

ADVERTISING OF FOOD ETC

CFTRI-MYSORE



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Advertising labe



960 (1) food advertising

(2) food marketing

(3) food labels

(4) food regulations

(5) foods (6) food products

(7) food standards

(8) food orders.



# THE ADVERTISING LABELLING AND COMPOSITION OF FOOD

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*An account of four years' administration  
of the Defence (Sale of Food) Regulations  
1943 by the Food Standards and Labelling  
Division of the Ministry of Food*

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*Enquiries about the labelling, advertising and composition of food should be addressed to : The Ministry of Food, 47 Portman Square, W.1.*

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Advertising label

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# THE ADVERTISING, LABELLING AND COMPOSITION OF FOOD

## PART I. INTRODUCTION

1. In four years the Ministry of Food has not only secured the elimination of scores of misleading names and descriptions of foods, but has achieved a fundamental change of outlook in food advertising and labelling. With the co-operation of the traders concerned, there has been a complete revolution in the labelling of pre-packed foods. The purchaser of such goods is now given an indication of their true nature, while for many foods legal standards have been prescribed, or agreed definitions established, which give further protection to the purchaser as to the quality of the food he buys.

### *Revision of Food Laws recommended in 1934*

2. It was in 1934 that a Departmental Committee appointed by the Minister of Health reached the unanimous conclusion that "the law relating to the composition and description of articles of food should be altered so as to enable definitions or standards to be prescribed or declarations of composition to be required." This Committee drew particular attention to the misleading nature of some food advertisements and food labels, saying in their Report that "The main thing to be aimed at, is that the public should know what they are getting."

3. Accordingly, in the Food and Drugs Act, 1938, not only were powers given to the Minister of Health by Section 8 to make Regulations dealing with the composition and labelling of foods but Section 6 made it an offence to give with any food a label or publish any advertisement which falsely describes a food or which is otherwise misleading as to its nature, substance or quality. The Food and Drugs Act, 1938, however, applied in its entirety only to England and Wales and did not come into force until October, 1939. Since the Ministry of Food had been set up on the outbreak of the War, no regulations were made by the Minister of Health under Section 8. Few cases of misleading labels or advertisements were prosecuted in the Courts under the new Section 6, and it became obvious as the War went on that the Act as then enforced by local Food and Drugs Authorities was not adequately protecting the public from misleading food labels and advertisements and, in particular, from misleading claims as to the nutritional or dietary value of foods.

### *The Minister of Food made responsible*

4. In November, 1943, therefore, the Government decided to make the Minister of Food responsible for the protection of the consumer against false and misleading descriptions and for exercising the powers given to the Minister of Health to make regulations dealing with the composition and labelling of foods. A White Paper on "The Labelling and Advertising of Foods" (Cmd.6482, 1943) (Appendix A) was published announcing this and Section 6 and Section 8 of the Food and Drugs Act were substantially re-enacted as Regulations 1 and 2 respectively of the Defence (Sale of Food) Regulations, 1943 (S.R. & O. No.1553) (Appendix B). These Regulations applied equally to Scotland and Northern Ireland.

5. Within the Ministry of Food, a Food Standards and Labelling Division was set up to administer the Regulations and the Labelling and Standards Orders to be made under them. It was decided that, in view of the detailed nature of the legislation, the Division should undertake to advise manufacturers and pre-packers as to their labels and in this way secure the co-operation of the traders concerned in the elimination of misleading descriptions and the adoption of improved labelling practices.

## INTRODUCTION

6. The Division has paid particular attention to the work of the Federal Security Agency Food and Drug Administration of the United States, of the Department of National Health and Welfare, which is responsible for the administration of the Food and Drugs Act in Canada, and of similar Government organisations in the Commonwealth. The fullest information has been made available to the Ministry by these Authorities, which has enabled the Division to formulate its policy for the protection of the consumer on lines which are in accord with the best international practice.

7. The Division's work may conveniently be reviewed under four headings :—
- (a) Preventing the use of misleading labels and advertisements ;
  - (b) Controlling food labels ;
  - (c) Regulating the composition of food ; and
  - (d) Enforcement.

At the head of each part is a note of the changes in the law which were introduced in the Regulations ; and it is desirable at this stage to emphasise the distinction between the general prohibition on all false descriptions and misleading labels and advertisements in Regulation 1 and the specific requirements of the Labelling of Food Order (Appendix C). This Order provides a general framework within which provision can be made for detailed labelling requirements which are found to be necessary for the better information or the more effective protection of the purchaser. At present the main provisions relate to the labelling of foods which are pre-packed, *i.e.*, packed in advance in a container or wrapper for retail sale, but Articles 4, 5 and 6 apply to all labels whether or not the food is pre-packed, while Article 5 also contains special requirements as to advertisements in which vitamin or mineral claims are made.

## PART II. PREVENTING THE USE OF MISLEADING LABELS AND ADVERTISEMENTS

*(Administration of Regulation 1 of the Defence (Sale of Food) Regulations, 1943)*

*Note as to changes in the law :*

- (a) *It was made clear that misleading claims as to the nutritional or dietary value of a food contravened the Regulations. This focusing of attention on the exaggerated and often quite unjustified nutritional claims which were to be found in pre-war advertising has ensured that the public is not deceived as to a food's nutritional value, at a time when it is essential to make the utmost use of a restricted national diet.*
- (b) *It was specifically provided that the fact that a label or advertisement includes an accurate statement of the composition of the food should not preclude a Court from holding that the food had been falsely described or that the label or advertisement was misleading. This was particularly necessary in anticipation of Article 2(3) of the Labelling of Food Order, which requires that in general the label of a pre-packed food must include a statement of ingredients.*
- (c) *The definition of food was altered to include any substance which is used as food for human consumption even though it is also capable of being used as a medicine. This was necessary to bring in the many borderline cases of quasi-medicinal foods and drinks, the nutritional or dietary value of which was often exaggerated.*

## MISLEADING LABELS AND ADVERTISEMENTS

(d) *The display of any misleading label with any food exposed for sale was made an offence and it is no longer necessary to produce evidence of an actual sale.*

8. So soon as the Defence (Sale of Food) Regulations were made, local Authorities lost little time in bringing to the notice of the Ministry examples of misleading descriptions which they were reluctant to challenge in the Courts, either because the names were in common use or because the products in question, being manufactured or sold in accordance with licences issued under various control orders, the descriptions appeared by inference, though not in fact, to have been approved by the Ministry of Food.

9. Two typical cases may be mentioned. The Ministry, after consultation with the manufacturers, secured the removal from the labels of custard powders of any suggestions that the product contained eggs or cream. In another case reported by a local authority the manufacturers agreed with the Ministry to stop describing as "starch-reduced" bread with a relatively small proportion of protein added. Exception was also taken to any suggestion that such bread was "slimming."

10. Whenever a label or advertisement which might be regarded as misleading was brought to the attention of the Ministry—whether by a Food and Drugs Authority or otherwise—the matter was taken up directly with the trader concerned or with the appropriate trade organisation. The co-operation of organisations has been of the greatest assistance to the Ministry in this work and the trade has shown the greatest readiness to conform to the new principles of honest labelling and advertising which have been established.

### *A general Review of Food Labels*

11. Steps had already been taken to remove misleading names and descriptions from the labels and advertisements of all products sold as food substitutes when they were required to be licensed under the Food Substitutes Control Order, 1941 (Appendix D). "Egg Powder" and "Egg Substitute" for instance had been considered misleading names for coloured baking powder and the trade had agreed to re-name the product "Golden Raising Powder."

12. To ensure that foods which the Minister of Food licensed to be manufactured, pre-packed or distributed were properly labelled, it was decided that the Ministry should review the labels of all such foods. While each manufacturer was advised individually as to his labels—both as to the Regulations and as to compliance with the Labelling of Food Order—this review enabled questions of general principle as to the labelling of foods of a particular class to be discussed with representatives of the trade, with a view to establishing codes of practice to ensure that the labels and advertisements of the foods in question were not misleading.

### *Codes of Practice*

13. These codes of practice represent agreement between the Ministry and informed trade opinion as to what descriptions and standards of identity are appropriate for particular classes of food. The codes have not the force of law but having been adopted after consultations with the trade are generally accepted by manufacturers. They have done much to protect the consumer from being misled, without subjecting the manufacturer to rigid detailed legislation. A large number of foods have been covered in this way, and the codes of practice established are set out in Appendix E. Others are still under consideration.

### *Misleading descriptions which have been eliminated*

14. Some of the labels in use must have dated back to the end of the last century when quite unjustifiable claims were made for many widely advertised foods. Here are a few examples of the more meretricious descriptions:—Common salt was

## MISLEADING LABELS AND ADVERTISEMENTS

described as "a food in itself." A gravy thickener, consisting of flour, salt and colouring, was "one of the finest and most useful foods ever invented by man," while another similar gravy powder was falsely described as having "all the B. vitamins." "Phosphates for the teeth and bones, and iron for the blood" said the label of one cereal breakfast food, while a dried herbs' label claimed "Vitamins A, B and C." Some of the most highly imaginative claims were found on the labels of foods consisting primarily of flour, such as "infants in the last stages of emaciation are quickly restored to health," "a food that saves life," and "expels disease for ever." Indeed, some foods were labelled with such claims as "a certain remedy for consumption" and "curative for diabetes" which contravened Section 8 of the Pharmacy and Medicines Act, 1941, in that the products were recommended for the treatment of some of the diseases there specified.

15. There was indeed plenty of scope for the reformer and before dealing with the general principles which it has been possible to establish, reference may be made to some of the more notable changes that have been brought about. The description "digestive" so often applied to foods which tended to be indigestible has been eliminated wherever it misled the purchaser into thinking that the food had specific digestive properties. "Digestive Tea," "Digestive Flour," "Digestive Cocoa"—there was even a "Digestive Suet"—have all disappeared. Even in the case of the digestive biscuit, where it might be said that the name digestive had lost its dietary meaning and had become merely descriptive of a certain type of biscuit, the Ministry has secured the general adoption of the additional name "Sweetmeal" so that in due course it will be practicable for the description "digestive" to be discarded as it has already been by a number of biscuit manufacturers.

16. Suggestions that edible extracts were "nourishing" or "sustaining" were eliminated. As to the word "tonic," the Ministry has consistently taken the view that it is misleading to ascribe tonic properties to a food unless the food contains a reasonably significant amount of a therapeutic agent recognised to have specific tonic properties in the strictly pharmacological sense of the word "tonic." Even in the case of the old-established "Tonic Water," steps were taken to see that this name was applied only to a carbonated water containing not less than  $\frac{1}{2}$  grain of quinine per pint.

17. Exception was taken to the description "Vegetable Extract" for hydrolysed protein, not only because it was an inaccurate description, but because it might well mislead the purchaser into thinking that the product had the nutritive properties (minerals and vitamin C) usually associated with vegetables. "Milk Stout" went because it contained no milk, the added lactose supplying none of the nutritive value of the major constituents of milk. "Calves' Foot Jelly" not made from calves' feet was eliminated. The description "Baked Beans" was reserved for beans which have been oven baked before they are canned, and a distinction was drawn between canned fresh peas and canned dried peas, the latter being now known as "Processed Peas."

18. In all these cases the Ministry secured the general agreement of the trade and only in the case of processed peas, where the trade specially asked that statutory authority be given to the agreement reached, has it so far been necessary to incorporate the agreement in an Order (see Article 6 of the Labelling of Food Order).

19. The Department of course neither has nor claims authority to interpret the law, but since it is responsible for its administration, it is but reasonable that traders should look to the Department for guidance. Accordingly, subject always to the fact that an authoritative interpretation of the law can be given only by a Court, it has been possible to agree upon a number of general principles as to what should be avoided in labels or advertisements to ensure that they do not contravene the Regulations. These principles are set out in paragraphs 20—35 below.

## MISLEADING LABELS AND ADVERTISEMENTS

20. When a name or description of a product incorporates the name of a food, that food must ordinarily be present as an ingredient of the product in question. Furthermore, it must be present in a significant quantity, and the purchaser will be misled if it is not present in an amount which, for one reason or another, the purchaser would expect. The amount will vary in different circumstances but in assessing the proportion of an ingredient which should be present the main criterion is not necessarily what is common commercial practice.

21. A name which would not necessarily have been regarded as misleading in the past may become so if similarly named products have been improved and characteristics have been added which the purchaser has come to expect. If a product is not changed to bring it into line with the new conception of the product, it may be misleading to continue to sell it under the old name. For instance, the name "milk food," which was originally attributed to a compound food containing a comparatively small proportion of dried milk, has come to be applied to modified dried milk containing at least 70% dried milk.

22. If a description of a food includes the names of two or more ingredients, the ingredient present in the greatest quantity should be named first, *e.g.*, "Malt Extract and Cod Liver Oil," not "Cod Liver Oil and Malt Extract."

23. If a food is sold, advertised, invoiced and passed in trade under a name which is itself misleading, no real protection is given to the purchaser by the mere addition to the label of a disclaimer or by the disclosure of its true nature. In advising traders, therefore, the Ministry has refused to accept any contention that the misleading nature of a name or description to which objection can be taken can be "cured" by a disclaimer or statement of ingredients. In the view of the Ministry, the very necessity for a disclaimer emphasises the misleading nature of a name or description.

24. Where a description includes a qualifying adjective to indicate the true nature or quality of the food, it should read as one with the rest of the description, without any intervening words or design. The adjective should not be printed in a smaller type or a less conspicuous colour in order to make it less noticeable, *e.g.*, "unsweetened SPONGE flour MIXTURE."

25. Exception has been taken to pictorial designs that mislead as to the nature, substance or quality of a product. Sometimes ingredients have been depicted which are not present in the food or are present only in negligible quantities. More often pictorial designs have been employed to suggest natural origins for artificial products, *e.g.*, grapes depicted on the label of an imitation brandy made from plain spirit, barley on the label of a solution of acetic acid sold as non-brewed vinegar, or lemons on the label of a flavoured lemonade powder made with citric acid.

26. Foreign words should not be used on labels to give a false impression that the food originates from the country indicated by the language. For instance, it is considered to be a misleading practice to label French mustard produced in England with wording in the French language.

27. As to nutritional or dietary claims, the trouble has not been so much the false claim for which there is no scientific foundation as the claim which infers that a food has a dietetic or nutritional value when in fact that value is insignificant. If, for instance, it is claimed that a food is nourishing, it ought to contribute a significant amount of nourishment to the diet; if a food is claimed to be body-building, it should provide a material amount of protein, and so on. It is particularly necessary to consider the amount of the food which would ordinarily be consumed in a day

## MISLEADING LABELS AND ADVERTISEMENTS

by the average individual. For instance, in the case of such foods as cocoa and gelatine, they are ordinarily taken in such small quantities that their contribution to the normal diet is relatively insignificant. Similarly, it is misleading to claim for a few tablets in a small container the nutritional qualities which could be justified only when the food is consumed in a much greater quantity than is provided in tablet form.

28. It was this consideration which led the Ministry to seek the advice of the Medical Research Council as to vitamin and mineral claims. On the Council's advice the Ministry drew up a Code of Practice (Appendix F) which well exemplifies the twin principles that to justify a nutritional claim the substance on which the claim is based must be present in a nutritionally significant quantity and that the amount of the food likely to be consumed by the average person will make a significant nutritional contribution in the respect claimed.

29. Nutritional qualities of a food are sometimes compared with those of another food which is not a good source of the nutritional qualities in question. Such a comparison is obviously designed to mislead. Further, any comparison must be of like with like. It is misleading to compare solid with liquid on a weight-for-weight basis. Equally, it is misleading to compare a food which is consumed in small quantities with one consumed in large quantities, ignoring the fact that the nutritional significance of the former will be proportionately less than that of the latter.

30. Another type of misleading half-truth is the claim that a food has a particular dietary value which in fact is justified only when it is consumed together with some other food. For instance, it is misleading to ascribe to a beverage preparation the nutritional value of the milk which is normally added in the preparation of food in the home.

31. It is misleading to refer to a food being derived from some other food in such a way as to suggest that the derivative has the nutritional qualities of the basic food if in fact these qualities are not present in the derivative. Thus it is manifestly misleading to suggest that because an edible extract is derived from meat it is nutritionally significant as a body-builder in the diet of growing children.

32. No claim should be made that a food maintains, promotes or restores health or acts as a therapeutic agent in the treatment of illness unless it can be justified by reference to the composition of the food. If health or medicinal claims have not been justified, objection has been taken to any general suggestion that a food has medicinal value, to any phrase indicating that the food is recommended by the medical profession or is of special value to invalids, and particularly to the use of any brand name which includes the word "doctor."

33. Misleading statements in testimonials used for advertising purposes must be regarded as just as objectionable as though made directly by the labeller or by the trader concerned.

34. The Ministry has taken the view that the use of registered trade marks and business names in such a way that they mislead as to the composition or nutritional value of a food is a contravention of the Regulations. The Ministry has successfully resisted the registration of a number of potentially misleading trade marks.

35. Any reference to a food being manufactured under a licence or complying with statutory requirements or which is made in such a way as to suggest that the food has been approved by the Ministry has been regarded as undesirable.

## REGULATING THE COMPOSITION OF FOOD

as to the provisions to be made concerning the composition of foods (other than liquid milk) and the labelling or marking of any foods for which such provision is made, by :

- (a) Statutory Orders under the Defence (Sale of Food) Regulations; or
- (b) Regulations (other than Milk and Dairies Regulations) under the Food and Drugs Acts, and corresponding enactments relating to Scotland ;

for preventing danger to health, loss of nutritional value or otherwise protecting purchasers."

46. The Standards Orders made under the Defence (Sale of Food) Regulations were made to read as one with the Food Standards (General Provisions) Order, 1944 (as amended). These are set out in Appendix H. It will be noted that all the Orders made deal with specific items of food. The sale of sub-standard articles of a like nature is not prohibited by these Orders, so long as they are not sold under any name or description which might lead an intending purchaser to believe he is purchasing the kind of food for which the standard has been prescribed.

47. However, when Standards Orders come to be made for more general classes of foods, such as soft drinks, meat and fish pastes or jelly-making compounds, it may be necessary to prevent the sale of sub-standard articles, whatever may be the description under which they are sold.

48. In the enforcement of Section 3 of the Food and Drugs Act, under which it is an offence to sell foods which are not of the nature, substance or quality demanded, the prosecution must always establish by evidence the composition of the food which the purchaser expected to buy. Expert witnesses have to establish, to the satisfaction of the Court, that their evidence is to be preferred to that put forward by the defence. No such argument can arise when a legal standard has been prescribed by Order.

49. Furthermore, the standard prescribed, being based on the recommendations of a Committee of experts, is likely to be a more fully considered standard of quality than the Court might be in a position to adopt. Legal standards prescribed by Order have the added advantage that they can be amended—and immediate cognisance be taken of amendment by the Courts—when circumstances dictate.

### Further protection for the public

50. As to the composition of foods, the Ministry is concerned with their purity and general fitness for human consumption in addition to their quality and freedom from adulteration. The Dried Egg (Control of Use) Order, 1945 (Appendix I) was made to control the use of dried egg in ice cream and bakers' cream filling and any substance used as a substitute for cream. Licences issued under the Order prescribed methods of processing to provide against conditions occurring in which bacteria might multiply. The Fluorine in Food Order, 1947 (Appendix J), limited the fluorine content of acidic phosphates used for food purposes, and of foods such as baking powders and self-raising flours which contain acidic phosphates. The Ministry has under consideration further steps for the protection of the public from harmful food constituents, and particular attention is to be given to the limitation of heavy metals, such as lead, zinc and copper, and of other toxic substances in food, and to the prohibition of the use of mineral oil in the manufacture or preparation of food.

## PART V. ENFORCEMENT

*Note.—*

- (a) *The higher penalties in the Defence (Sale of Food) Regulations and the longer period—one year instead of 28 days—for instituting proceedings were those common to all Regulations made under the Emergency Powers (Defence) Acts.*
- (b) *Provision was made for the enforcement of the Regulations by the local authorities responsible for the enforcement of the Food and Drugs Act in order to make the maximum use of their experience and organisation. The Minister of Food was also made an enforcing authority, and, unless otherwise provided by Order, his consent was required before proceedings could be instituted by a Food and Drugs authority.*

### *Central Administration and Local Enforcement*

51. Enforcement of the Regulations and the Orders made under them has been left entirely to local Food and Drugs authorities, but to secure effective administration it was necessary for the Minister to assume a certain degree of control over enforcement. It was recognised that, in view of the novel and detailed character of this legislation, traders would expect advice from the Ministry as to what might be regarded as misleading and as to the proper method of complying with specific labelling requirements. It was therefore essential to secure that any trader who followed the advice of the Ministry should not be subject to prosecution by a local Food and Drugs authority without the whole question being opened *de novo*.

52. The Minister's consent to proceedings has not been required in cases relating to standards or in cases brought by Weights and Measures Authorities in regard to weights and measures, since such proceedings relate only to matters of fact, but the requirement that other proceedings be subject to the Minister's consent has ensured uniformity of practice throughout the country in the administration of the Regulations. There is obviously room for divergence of opinion between different Authorities as to whether, and to what degree, a label or advertisement is misleading, particularly in regard to nutritional and dietary claims, and it would be unfair to traders that a label should be the subject of a prosecution in some areas when it is regarded as satisfactory in others. The "consent" provision has also enabled the Ministry to secure that, so far as is possible, proceedings are taken against the person primarily responsible for an offence and that traders are not unfairly subjected to an undue multiplicity of prosecutions for what is essentially a single offence.

53. During the four years under review some 123 applications were received by the Minister in respect of 167 proposed charges. In only 21 cases was the Minister's consent refused and whenever this refusal has been for administrative reasons, *e.g.*, where the product was licensed by the Minister to be manufactured and pre-packed under the label in question, the label has invariably been put in order by subsequent administrative action. In some cases application for consent to proceedings has been refused on the ground that it was inappropriate to proceed under the Defence (Sale of Food) Regulations, and in others on the ground that the person against whom it was proposed to take proceedings was not the person really responsible for the alleged offence. In the latter cases, where the Food and Drugs authority has proceeded under Section 3 of the Food and Drugs Act (for which the Minister's consent is not required) against the defendant proposed, the Court has on more than one occasion taken the same view as the Minister and dismissed the case.

54. The summary in Appendix L. reflects the decrease in prosecutions in 1946 when the Ministry had taken steps to secure the appropriate labelling of intoxicating liquors and of soft drinks called "non-alcoholic tonic wines" and "non-alcoholic

## ENFORCEMENT

cocktails." It also shows that the numbers of cases under the Labelling of Food Order have been comparatively few ; undoubtedly the Ministry's review of labels submitted by manufacturers and pre-packers secured general compliance with the Order without the necessity for widespread enforcement action. As to proceedings abandoned, it is clear that they were abandoned only when it was established that the defendant firm was out of business or that other proceedings had resulted in the offending label or advertisement being put right.

55. While the majority of cases under the Regulations have been in respect of intoxicating liquors and soft drinks, there have been some cases of misleading nutritional claims in food labels and advertisements. In one such case, the fact that an ingredient of nutritional significance had become scarce and had of necessity been reduced to an insignificant proportion did not excuse the continued use of labels or advertisements with nutritional claims based on the food's original composition.

56. Food and Drugs authorities have informally referred to the Ministry many cases of difficulty, particularly where there have been considerations of long usage, of general practice or of supply difficulties. In this way they have been able to make use of the experience the Ministry has gained by centralised administration and there has been a most valuable informal interchange of information between Public Analysts and the Ministry's scientific staff engaged on this work.

## PART VI. SUMMARY

57. During the four years covered by this report, more than 30,000 labels have been submitted to the Ministry for advice. The majority have been dealt with during the course of the review of the labels of licensed products, but where products are not manufactured under licence, manufacturers have generally adopted the practice of consulting the Ministry as to their labels. Similarly, since the re-introduction of foods imported on private account, importers have in increasing numbers sought the advice of the Ministry.

58. Though the Ministry does not advise on individual advertisements, much general advice has been given which applies equally to advertisements as to labels, particularly in regard to nutritional claims and to suggestions as to the presence of vitamins and minerals. Food advertising has been scrutinised, with the result that, on the Ministry's representations, a number of advertisements have been withdrawn by the manufacturers.

59. This centralised administration, with the co-operation of the trade, has achieved a much higher standard of labelling and advertising than could ever have been obtained solely by enforcement action. It has dealt effectively with those marginal cases of deception, which a local Food and Drugs authority must hesitate to bring before a Court, but which do mislead the public. More important, it has secured the acceptance of general principles in a fraction of the time it would have taken to establish similar precedents in the Courts.

60. In four years, the foundation has been laid of a complete reform in food advertising and labelling and of an effective control of the quality and composition of food, which will protect the consumer from exploitation not only in the present times of shortage but in the days to come when highly competitive selling returns.



## *LABELLING AND ADVERTISING*

9. The necessity for restricting claims or suggestions in advertisements regarding the presence of vitamins and minerals in a food is in part the direct consequence of the Government's nutritional policy. It is essential for the health of the nation that the value of protective foods should be emphasized. This policy must not be exploited in relation to foodstuffs where the protective element is absent or present in ineffective quantity. In the case of products recommended as medicines, in which the presence of vitamins or minerals is claimed, it is already necessary that the label should bear a quantitative disclosure of these active ingredients. After consultation with the Medical Research Council the Government have decided that a similar quantitative disclosure of the vitamin or mineral content shall also be required in the case of foods in which the presence of these constituents is claimed.

10. The defences available to traders under the Food and Drugs Act, 1938, and the Sale of Food (Weights and Measures) Act, 1926, are preserved in relation to offences under these Regulations. This continuity is secured by the provision that an Order issued under the Regulations may include the warranty defence and the defence available where some other person is responsible for the commission of the offence charged. In regard to offences respecting misleading advertisements, the defence available in the Food and Drugs Act, 1938, to those whose business it is to publish or arrange for the publication of advertisements is also retained.

Ministry of Food,  
November, 1943.

## APPENDIX B

# The Defence (Sale of Food) Regulations, 1943

*S.R. & O. 1943, No. 1553 as amended by S.R. & O. 1945, No. 1454 and the Emergency Laws (Transitional Provisions) Act, 1946 (First Schedule, Part II).*

\* \* \* \* \*

### *False labelling and advertisement of food*

1.—(1) A person who gives with any food sold by him, or displays with any food exposed by him for sale, a label, whether attached to or printed on the wrapper or container or not, which falsely describes that food, or is otherwise calculated to mislead as to its nature, substance or quality or, in particular, as to its nutritional or dietary value, shall be guilty of an offence against this Regulation unless he proves that he did not know and could not with reasonable diligence have ascertained that the label was of such a character as aforesaid.

(2) A person who publishes, or is a party to the publication of, an advertisement (not being such a label so given or displayed by him as aforesaid) which falsely describes any food or is otherwise calculated to mislead as to its nature, substance or quality or, in particular, as to its nutritional or dietary value, shall be guilty of an offence against this Regulation, unless he proves that he did not know and could not with reasonable diligence have ascertained that the advertisement was of such a character as aforesaid.

(3) In any proceedings for an offence against this Regulation, the fact that the label or advertisement includes an accurate statement of the composition of the food shall not preclude the court from holding that the label or advertisement is of such a character as aforesaid.

\* \* \* \* \*

### *Requirements as to pre-packing and advertisement, and composition of food*

2.—(1) The Minister of Food, if it appears to him expedient so to do for the protection of the public or the maintenance of supplies or services essential to the life of the community, may by order provide—

- (a) for imposing requirements as to the labelling or marking of wrappers or containers enclosing or containing food of various kinds, and for restricting the making in advertisements of food of claims or suggestions of the presence in the food of vitamins or minerals ;
- (b) for prohibiting or restricting the addition of any substance to, and regulating generally the composition of, any food.

\* \* \* \* \*

### *Enforcing authorities*

5.—(1) In addition to the authorities by whom proceedings for offences against any of these Regulations may be instituted by virtue of the provisions of Part V of the Defence (General) Regulations, 1939, as applied by Regulation 4 of these Regulations, the following authorities may institute such proceedings in England and Northern Ireland :—

- (a) the Minister of Food ;
- (b) as respects proceedings in the area of a Food and Drugs authority as defined by Section 64 of the Food and Drugs Act, 1938, that authority ;

## DEFENCE (SALE OF FOOD) REGULATIONS, 1943

- (c) in so far as an order under Regulation 2 of these Regulations so provides, as respects an infringement of the order in the area of a local authority for the purposes of the Weights and Measures Acts, 1878 to 1936, that authority.

Provided that, except in such cases as the Minister of Food may by order provide, proceedings shall not be brought by any such Food and Drugs authority as aforesaid without the consent of the Minister.

\* \* \* \* \*

### *Interpretation*

6. In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ advertisement ” includes any notice, circular, label, wrapper or other document, and any public announcement made orally or by any means of producing or transmitting light or sound ;

“ food ” means any article used as food or drink for human consumption and includes any substance which is intended for use in the composition or preparation of food, any flavouring or condiment, and any colouring matter intended for use in food, and an article shall not be deemed not to be food by reason only that it is also capable of being used as a medicine ;

“ public analyst ” has the same meaning as in the Food and Drugs Act, 1938.

\* \* \* \* \*

NOTE :—*The following Regulations are omitted.*—

*Regulation 3. Entry and inspection, and taking of samples.*

*Regulation 4. Application of Part V of the Defence (General) Regulations, 1939.*

*Regulation 7. Application to Scotland.*

*Regulation 8. Application to Northern Ireland.*

*Regulation 9. Short title.*

*Schedule, Parts I & II.*

## APPENDIX C

### The Labelling of Food Order, 1946

S.R. & O. 1946, No. 2169 as amended by S.R. & O's 1947, Nos. 757, 2001, 2709 and S.I's 1948, Nos. 1438, 2598.

1.—(1) In this Order—"advertisement," "food" and "public analyst" are defined as in Appendix B, para. 6 (*ante*).

"Food imported on government account" means food imported into the United Kingdom the property in which was at the time of importation vested in, or which was at that time consigned directly to, His Majesty or a government department, or a person acting as agent for His Majesty or a government department, in connection with any of the purposes specified in sub-section (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945.

"Intoxicating liquor" means spirits, wine, beer, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot be lawfully sold without an excise licence.

"Pre-packed" means packed or made up in advance ready for retail sale in a wrapper or container, and where any food packed or made up in a wrapper or container is found on any premises where such food is packed, kept or stored for sale, the food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of this Order.

"Retail sale" means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

(2) Any reference in this Order to a label marked on a wrapper or container shall be construed as including a reference to any legible marking on the wrapper or container however effected.

(3) Where any food is referred to in this Order, any description or definition of that food in any other Order of the Minister for the time being in force shall, unless a contrary intention appears, apply for the purposes of this Order and if such food is described or defined in an Order of the Minister regulating prices and also in any other Order of the Minister, only the description or definition mentioned in the first mentioned Order shall apply for the purposes of this Order.

(4) References in this Order to any Order or Regulations shall be construed as referring to that Order or those Regulations as amended by any subsequent Order or Regulations whether made before or after the making of this Order and, if any Order or Regulations referred to in this Order is or are replaced by any such subsequent Order or Regulations the references shall be construed as referring to that subsequent Order, or those subsequent Regulations.

#### *Requirements as to the retail sale of pre-packed food*

2.—(1) Subject to the provisions of this Article and to the exemptions specified in the First Schedule to this Order, no person shall sell by retail or

display for sale by retail any pre-packed food, unless there appears on a label marked on or securely attached to the wrapper or container a true statement as to the matters hereafter mentioned in this Article.

The said statement shall be clearly legible and shall appear conspicuously and in a prominent position on the label, and if the food is pre-packed in more than one wrapper or container, the label shall be marked on or attached to the innermost wrapper or container and, if it is not clearly legible through the outermost wrapper or container, a label bearing a like statement shall be marked on or securely attached to, or be clearly legible through, the outermost wrapper or container. For the purposes of this provision, a "liner" (that is to say, a plain immediate wrapping which under ordinary conditions of use would not be removed from the next outer wrapper or container) shall not be counted as a wrapper or container.

(2) The said statement must specify the name of either the packer or the labeller of the food and an address at which such person carries on business:

Provided that—

- (a) where the food is packed or labelled on behalf of or on the instructions of another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and the said address of that other person instead of the name and address of the packer or labeller, as the case may be ;
- (b) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938, a subsisting entry in respect of such food, and if there is associated therewith on the label the words "Registered Trade Mark."

1 & 2  
Geo. 6  
c. 22.

(3) The said statement must also specify—

- (a) in the case of a food consisting of one ingredient the appropriate designation of the ingredient ;
- (b) in the case of a food made of two or more ingredients the common or usual name (if any) of the food and the appropriate designation of each ingredient, and, unless the quantity or proportion of each ingredient is specified, the ingredients shall be specified in the order of the proportion in which they were used, the ingredient used in the greatest proportion (by weight) being specified first :

Provided that—

- (i) it shall not be necessary to state that the food contains water ;
- (ii) where a food contains an ingredient which is made from two or more constituents, the appropriate designations of those constituents shall be so specified and it shall not be necessary to specify the appropriate designation of that ingredient.

For the purposes of this paragraph "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

## APPENDIX C

(4) The said statement must also specify the minimum quantity of the food in the wrapper or container expressed in terms either of net weight or of measure :

16 & 17  
Geo. 5,  
c. 63.

Provided that in any case where the weight of the wrapper or container is permitted by section four of the Sale of Food (Weights and Measures) Act, 1926, to be included in the weight purported to be sold and complies with the requirements of that section, it shall be a sufficient compliance with this paragraph if the statement specifies the minimum weight of the food with its wrapper or container.

(5) Paragraphs (3) and (4) of this Article shall not apply to intoxicating liquor pre-packed for sale as such, but in the case of such pre-packed intoxicating liquor the said statement must also specify the appropriate designation of the product and, except in the case of beer, cider and perry and of wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes which wine has not been subject to any process so as to alter its character, such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Minister :—

- (i) in the case of undistilled fermented liquor, not made from freshly gathered grapes, which in so far as it is derived from fruit, is derived exclusively from one variety of fruit :—

**FRUIT BASIS EXCLUSIVELY (x)  
NOT LESS THAN (y)**

- (ii) in the case of undistilled fermented liquor, not made from freshly gathered grapes, derived from more than one variety of fruit :—

**FRUIT BASIS (x) AND (x)  
NOT LESS THAN (y)**

- (iii) in the case of undistilled fermented liquor which is not derived wholly or in part from fruit :—

**NOT MADE FROM FRUIT  
NOT LESS THAN (y)**

- (iv) in the case of brandy, gin, rum and whisky, the alcohol content of which is less than 65 per cent. proof spirit :—

**DILUTED WITH WATER TO NOT  
LESS THAN (y)**

## **LABELLING OF FOOD ORDER, 1946**

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask ;

- (v) in the case of any other intoxicating liquor to which the requirements of this paragraph (5) as to declaration apply :—

### **NOT LESS THAN (y)**

The declaration shall be completed by inserting at (x) in cases (i) and (ii) a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer in the process of fermentation and at (y) in cases (i) (ii) (iii) and (v), except as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask, the minimum alcohol content expressed in figures either as a percentage by volume or as a percentage of proof spirit and followed by the words "PER CENT. ALCOHOL BY VOLUME" or "PER CENT. PROOF SPIRIT" as the case may be.

In case (iv) above and in case (v) as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask the declaration shall be completed by inserting at (y) the minimum alcohol content expressed in figures either as a percentage of proof spirit followed by the words "PER CENT. PROOF SPIRIT" or as degrees proof followed by "° PROOF".

In case (ii) the fruit or fruit products used shall be specified in the order of the proportion in which they were used, that used in the greatest proportion (by weight) being specified first.

In every case, the declaration shall be printed in dark block type not less than  $\frac{1}{8}$  inch in height upon a light coloured ground and shall be enclosed by a surrounding line and no matter other than that hereinbefore described shall be printed within such surrounding line, provided that in the case of brandy, gin, rum and whisky, the alcohol content of which is not less than 65 per cent. proof spirit and of any other intoxicating liquor the alcohol content of which is not less than 40 per cent. proof spirit, it shall be sufficient for the declaration to be printed in dark block type not less than  $\frac{1}{8}$  inch in height upon a light coloured ground or in light block type not less than  $\frac{1}{8}$  inch in height upon a dark coloured ground in the following form :—

### **(z) ° PROOF**

inserting at (z) the figure which represents the percentage of proof spirit.

For the purposes of this paragraph—

- (a) "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the product to which it is applied.

In particular—

- (i) such appropriate designation shall include or be accompanied in the said statement by the name of the country or countries of origin of the liquor ;

## APPENDIX C

- (ii) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name ;
  - (iii) where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country of origin printed in such a manner as to be substantially as conspicuous as such name or description ; and
  - (iv) in the case of intoxicating liquor for which tonic, restorative or medicinal properties are claimed the appropriate designation shall include or be accompanied in the said statement by the approximate percentage present of each of the added ingredients on which the claim is based.
- (b) "fruit" includes rhubarb.
- (c) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.
- (6) The preceding paragraphs of this Article shall not apply—
- (a) to any food (other than a liquid food) packed in advance by a retailer in a wrapper or container on the premises where it is sold by him, provided that the exemption contained in this sub-paragraph shall not apply if the wrapper or the container or any label given with the food bears any words referring in any way to the food other than such as are necessary to identify the food or to indicate the quantity or price thereof ;
- (b) to any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation.

(7) Paragraphs (2) and (4) of this Article shall not apply to any liquid food packed in advance by a retailer in a wrapper or container on the premises where it is sold by him.

(8) Where any food is pre-packed in a wrapper or container containing less than one-half of an ounce or less than one-half of a fluid ounce, as the case may be, and owing to insufficient space on the wrapper or container it is not reasonably practicable for all the particulars specified in paragraphs (2) to (4) of this Article to appear on the label, it shall only be necessary to specify such of those particulars as it is reasonably practicable to specify, and they shall be specified in the following order of priority, that is to say, the particulars required by paragraph (3) shall be specified first, and the particulars required by paragraph (4) shall be specified next.

### *Requirements as to sales of pre-packed food otherwise than by retail*

3.—(1) Every seller who delivers any pre-packed food pursuant to a sale otherwise than by retail shall either—

- (a) deliver the food labelled in the manner prescribed by Article 2 of this Order in relation to a retail sale of such food ; or
- (b) deliver the food unlabelled and furnish to the purchaser not later than 14 days after the delivery an invoice or other document containing a statement of such particulars as may be necessary to enable a retail trader to comply with the provisions of paragraphs (3) (4) and (5) of Article 2 of this Order.

## LABELLING OF FOOD ORDER, 1946

For the purposes of this paragraph pre-packed food shall be regarded as unlabelled only if no words or marking referring in any way to the food appear on the wrapper or container or on any label printed thereon or attached thereto, save that the food shall not be regarded as labelled merely by reason that the wrapper or container has been marked at the time of packing with such words or other marking as are reasonably necessary to identify the goods.

(2) The preceding paragraph of this Article shall not apply in the case of any food specified in paragraph (6) (b) of Article 2 of this Order or in Table B in the First Schedule to this Order.

3A.—(1) Subject as hereinafter mentioned Articles 2 and 3 of this Order shall not apply to pre-packed soft drinks so long as the container bears the appropriate S.D.I. label approved by the Minister.

(2) Nothing in this Article shall relieve any manufacturer, packer or labeller of soft drinks from complying with the provisions of this Order.

(3) This Article shall have effect—

(i) as respects the sale, or display for sale, by retail, until the 1st June, 1949 ;

(ii) as respects delivery pursuant to a sale otherwise than by retail, until the 1st March, 1949.

### *Special requirements as to the labelling of certain liquors*

4. No person shall sell or have in his possession for sale any liquor described in a label attached to or printed on the wrapper or container—

- (a) in the case of intoxicating liquor, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles, wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes, or is a substitute for or has the flavour of such wine, unless it is derived from fruit, and, in so far as it is derived from fruit, is derived exclusively from grapes ;
- (b) in the case of intoxicating liquor which is not derived from fruit or which is wholly or partly derived from fruit other than grapes, by the use of the word “ wine,” unless that word is immediately preceded in identical lettering by a word or words accurately specifying the description of fruit or fruit product or other saccharine material used ;
- (c) by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles a sweetened liqueur or is a substitute for or has the flavour of a sweetened liqueur unless it is a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient ;
- (d) by any words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is a mixture containing spirits or is a cocktail or resembles or is a substitute for or has the flavour of a cocktail, unless it contains not less than 40 per cent. proof spirit and either the Customs duty or Excise duty chargeable on spirits has been paid in respect of not less than 50 per cent. of the alcohol content of the liquor—

## APPENDIX C

Provided that nothing in this paragraph shall prevent the use of the description "Advocaat" for a product consisting of eggs, sugar, spirits and flavouring and containing not less than 30 per cent. proof spirit ;

Provided also that, so long as no name or description usually associated with a cocktail containing spirits or with a sweetened liqueur is used, nothing shall prevent the use of :—

- (i) the description "Wine Cocktail" for a product which is derived from wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes and which contains not less than 35 per cent. proof spirit, or
- (ii) the description "British Wine Cocktail" or the words "wine cocktail" immediately preceded by the name of the fruit or fruits or other saccharine material from which the product is derived, for a product which is made from wine other than that referred to in the preceding sub-paragraph and which contains not less than 24 per cent. proof spirit, or
- (iii) the description "Alcoholic Cordial" for a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient and which contains not less than 10 per cent. proof spirit, or
- (iv) the description "Non-Alcoholic Fruit (or Vegetable) Juice Cocktail" for a non-alcoholic product consisting of undiluted fruit or vegetable juice and ready for consumption without dilution ;
- (e) in the case of cider or perry which has been artificially aerated, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor resembles or is a substitute for, or has the character of champagne ;
- (f) in the case of spirits the alcohol content of which is less than 65 per cent. proof spirit, by the name brandy, gin, rum or whisky, unless such name is immediately preceded by the word "diluted" or such other qualification as the Minister may approve, printed in such a manner as to be substantially as conspicuous as the name applied—

Provided that this requirement shall not apply to brandy, the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask.

### *Special requirements where presence of vitamins or minerals claimed*

5.—(1) Subject to the provisions of this Article no person shall—

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which makes a general claim that vitamins or minerals are present in the food ;
- (b) have in his possession for sale any pre-packed food which bears such a label as aforesaid ; or
- (c) publish, or be a party to the publication of, an advertisement of any food which makes any such general claim as aforesaid ;

unless the food contains, in the case of a claim as to vitamins, one or more of the substances specified in the first column of Part I of the Second Schedule

## *LABELLING OF FOOD ORDER, 1946*

to this Order or, in the case of a claim as to minerals, one or more of the substances specified in the first column of Part II of that Schedule, and the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce of the food when the minimum quantity of the food in the container is stated by weight, or in each fluid ounce when the minimum quantity of the food in the container is stated by volume.

(2) Subject to the provisions of this Article no person shall—

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which claims or in any way suggests that any particular substance or substances specified in the first column of the Second Schedule to this Order is or are present in the food.
- (b) have in his possession for sale any pre-packed food, which bears such a label as aforesaid ; or
- (c) publish, or be a party to the publication of, an advertisement of any food which makes any such claim or suggestion as aforesaid ;

unless the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce of food when the minimum quantity of the food in the container is stated by weight, or in each fluid ounce when the minimum quantity of the food in the container is stated by volume ;

Provided that the requirements of this paragraph shall not apply in relation to a substance specified in Part II of the said Schedule if the only claim or suggestion that the substance is present in a food is contained in a statement of the ingredients of that food made on the label thereof in order to comply with the provisions of Articles 2 or 3 of this Order.

(3) The provisions of this Article shall not apply to—

- (a) fruit and vegetables, including fruit and vegetables which have been preserved by freezing or by gas or cold storage or by any other method of storage, but excluding fruit or vegetables which have been canned or bottled or preserved otherwise than as aforesaid ;
- (b) liquid cow's milk (not including condensed milk) ;
- (c) shell eggs ;
- (d) fish of any description, including shell fish and processed fish, but not including canned or bottled fish or any manufactured product containing fish ;
- (e) any food served by a caterer as a meal or part of a meal in the course of his catering business.

(4) In any proceedings for an offence against this Article in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements he received the advertisement for publication in the ordinary course of business.

(5) In any such proceedings as aforesaid against the manufacturers, producers or importers of the advertised food, it shall rest on the defendant to prove that he did not publish and was not a party to the publication of, the advertisement.

## APPENDIX C

(6) In any proceedings for an offence against this Article in respect of a failure to specify the required particulars in an advertisement of any food, it shall be a defence for the defendant to prove that he took all reasonable steps to secure, by the pre-packing of the food, that it would not be sold without a label specifying these particulars.

(7) This Article shall be without prejudice to the requirements of Articles 2 and 3 of this Order.

(8) Nothing in this Article shall, in relation to butter, prohibit the giving of a label or the publishing of an advertisement which correctly and truthfully claims that the butter in respect of which the claim is made is a natural source of vitamin A, notwithstanding that the minimum quantity of vitamin A contained therein is not specified.

### *Special requirements as to the labelling of certain foods*

6. No person shall sell or have in his possession for sale any canned peas which have been dried, soaked or otherwise processed prior to canning which are described in a label attached to or printed on the wrapper or container—

- (a) as “peas”, unless the word “peas” wherever it appears on the label is immediately preceded by the words “processed” printed in such a manner as to be substantially as conspicuous as the word “peas” ;
- (b) as being “fresh”, “garden” or “green”, or by use of any word which may indicate either directly or by ambiguity, omission or inference, that the peas are other than peas which have been dried, soaked or otherwise processed prior to canning.

### *Defacing of labels*

7. No person shall remove, add to, alter, deface or render illegible any statement upon a label printed on or attached to a wrapper or container in pursuance of Articles 2, 3, 4, 5 or 6 of this Order:

Provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove either—

- (a) that the food was in his possession at the time of the infringement otherwise than for sale ; or
- (b) that he acted without intent to deceive.

\* \* \* \* \*

### *Saving for Government imports, Forces' food and exports*

14. This Order, except so far as it relates to advertisements, shall not apply

- (a) to any food imported on Government account which is still contained in the wrapper or container in which it was so imported ;
- (b) to any food packed for consumption by His Majesty's Forces or the Forces of any of His Majesty's Allies or Co-belligerents ;
- (c) to any food intended at the time of sale for export from the United Kingdom or for use as ships' stores.

\* \* \* \* \*

## LABELLING OF FOOD ORDER, 1946

### *Directions and licences*

17.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister, and to any licences or authorisations which may be granted by or on behalf of the Minister under this Order.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

NOTE:—*The following Articles are omitted.*—

- Article 8. Infringements in respect of weight or measure.*
- Article 9. Defences.*
- Article 10. Right of defendant to summon person responsible for offence.*
- Article 11. Certificate of Public Analyst.*
- Article 12. Enforcement by Weights and Measures Authorities.*
- Article 13. Saving for other Orders, Acts, etc.*
- Article 15. Application to Scotland.*
- Article 16. Application to Northern Ireland.*
- Article 18. Infringements.*
- Article 19. Revocations.*
- Article 20. Commencement and citation.*

# APPENDIX C

## THE FIRST SCHEDULE

### FOODS EXEMPT OR PARTLY EXEMPT FROM ARTICLE 2 OF THE ORDER

The foods specified in the first column of Table A below shall be exempt from such of the provisions of Article 2 of the Order as are specified in the second column of the Table, to the extent shown in the third column of the Table.

TABLE A

| Column 1                                                                                                                                                                                                                                                                                                                                                                                                                                                | Column 2                                 | Column 3                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Description of Food                                                                                                                                                                                                                                                                                                                                                                                                                                     | Provision of Article 2 from which exempt | Extent of exemption                                                                                                                                                                                                                                           |
| 1. Any food specified in Table B below, when pre-packed for sale as such                                                                                                                                                                                                                                                                                                                                                                                | The whole Article                        | Wholly exempt                                                                                                                                                                                                                                                 |
| 2. Compound Cooking Fat ...<br>Margarine (not including vegetarian butter)<br>National flour ... ..<br>Sugar ... ..<br>Yeast ... ..                                                                                                                                                                                                                                                                                                                     | Paragraph (2)                            | Wholly exempt                                                                                                                                                                                                                                                 |
| 3. Spices—<br>(a) when pre-packed for sale as such, other than spices consisting of a single ingredient ;<br>(b) when forming an ingredient of some other food ;<br>Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food.<br>Colourings, when forming an ingredient of some other food.<br>Herbs, when forming an ingredient of some other food but not exceeding one per cent. by weight of such food. | Paragraph (3)                            | Exempt to the extent that they may be designated as spices, edible oil or edible fat colourings or herbs (as the case may be) without further specification as to their common or usual name or as to composition.                                            |
| 4. Colourings, when pre-packed for sale as such                                                                                                                                                                                                                                                                                                                                                                                                         | Paragraph (3)                            | Exempt to the extent that the colouring ingredients may be designated without further specification—<br>(a) unless of synthetic origin, as "colour," or<br>(b) if of synthetic origin, as "synthetic colour" or "artificial colour."                          |
| 5. Flavourings, as defined at the foot of this Table—<br>(a) when pre-packed for sale as such, other than flavourings consisting of a single ingredient ;<br>(b) when forming an ingredient of some other food                                                                                                                                                                                                                                          | Paragraph (3)<br><br>Paragraph (3)       | Exempt to the extent that the ingredients need not be specified<br><br>Exempt to the extent that they may be designated either as "flavourings" or as "flavouring essences" or by their common or usual name without further specification as to composition. |

# LABELLING OF FOOD ORDER, 1946

TABLE A—continued.

| Column 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Column 2      | Column 3                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. Speciality flour whether pre-packed for sale as such or forming an ingredient of some other food.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Paragraph (3) | Exempt to the extent that ingredients or constituents which for the purposes of the Flour Order, 1945(a), are authorised ingredients of national flour or "M" flour need not be specified, if they are present only in quantities not greater than those in which they are customarily present in national flour or "M" flour. |
| 7. Preservatives as defined in the Public Health (Preservatives, etc., in Food) Regulations, 1925—<br>(a) pre-packed for sale as such, or<br>(b) forming an ingredient of one of the foods specified in paragraph 1 of the Second Schedule to those Regulations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Paragraph (3) | Wholly exempt but the label must comply with the requirements of the Public Health (Preservatives, etc., in Food) Regulations, 1925–1940.                                                                                                                                                                                      |
| 8. Any food specified in Column 1 of Table C below, pre-packed for sale as such, for which requirements as regards composition are laid down in the Order specified in relation thereto in Column 2 of that Table, in so far as such food complies as regards composition with such requirements.<br>Any of the following, when pre-packed for sale as such :—<br>Biscuits ... ..<br>Compound Cooking Fat ...<br>Condensed milk as defined by the Public Health (Condensed Milk) Regulations, 1923 and 1927.<br>Curry Powders ... ..<br>Ice Cream ... ..<br>Margarine (not including vegetarian butter).<br>National Flour ... ..<br>Thick Mixed Fruit Sauces, Worcester Sauce, and similar thin sauces. Tomato Sauce or Ketchup.<br>Custard Powder... ..<br>Blancmange Powder ... ..<br>Still Spa Water ... .. | Paragraph (3) | Exempt to the extent that the ingredients need not be specified.                                                                                                                                                                                                                                                               |

**APPENDIX C**  
**TABLE A—continued**

| Column 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Column 2                             | Column 3                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>9. Any of the following, when forming an ingredient of some other food :—</p> <p>Any food specified in entry No. 8 in this column or in Table B below</p> <p>Breadcrumbs and Rusk ...</p> <p>Intoxicating Liquor ...</p> <p>"M" flour ...</p> <p>Macaroni and similar products.</p> <p>Any preparation which is the subject of a monograph in the 1932 or any later issue of the British Pharmacopoeia, including the Addenda thereto, or in the formulary section of the 1934 or any later issue of the British Pharmaceutical Codex, including supplements thereto</p>                                                                                                                                  | <p>Proviso (ii) to paragraph (3)</p> | <p>Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designation of its constituents.</p> |
| <p>10. Biscuits when sold or to be sold by the packet or by the piece at a price not exceeding 3d. per packet or piece.</p> <p>Condensed milk, as defined by the Public Health (Condensed Milk) Regulations, 1923 and 1927(a).</p> <p>Dried Milk, as defined by the Public Health (Dried Milk) Regulations, 1923 and 1927 (b) including sweetened or modified dried milk, and compounded dried milk</p> <p>Standard saccharin tablets</p> <p>Sweetening tablets ...</p> <p>Still Spa Water ...</p> <p>Soft Drinks, pre-packed for sale as such, for which requirements as regards composition are laid down in the Soft Drinks Order, 1946, as amended, in so far as they comply with such requirements.</p> | <p>Paragraph (4)</p>                 | <p>Wholly exempt.</p>                                                                                                                                    |

*Note* :—For the purposes of entry No. 5 above, the expression "flavouring" means any product which complies with the following conditions :—

- (a) it must have aromatic properties ;
- (b) where it is an ingredient of any food it shall have been added primarily for flavouring purposes and where it is packed for sale as such it shall be intended for use primarily for such purposes ; and
- (c) it shall consist of an essential oil, natural gum, gum resin, oleo-resin, a chemical having flavouring property, or any vegetable extractive, or a mixture of any of these, and it may also contain one or more of the following (but no other) ingredients :
  - (i) fruit juices ;
  - (ii) such other substances as are reasonably necessary to produce a solid, a solution or an emulsion from the aforementioned ingredients ;

but the expression shall be deemed not to include any preparation of yeast, coffee or chicory, any soft drink, or any substance prepared by the hydrolysis of protein-containing materials.

(a) S.R. & O. 1923 (No. 509) p. 894 and 1927 (No. 1092), p. 457.

(b) S.R. & O. 1923 (No. 1323) p. 900, and 1927 (No. 1093) p. 459.

# LABELLING OF FOOD ORDER, 1946

TABLE B

(Foods wholly exempt from Article 2 when pre-packed for sale as such and partly exempt when forming an ingredient of some other food).

Beer (brewed in the U.K.) (by virtue of S.I. 1948, No. 1438).

Bread (not including breadcrumbs).

Butter and milk blended butter.

Cheese, including processed cheese, blue vein, soft curd or cream cheese and cheese made from milk other than cow's milk.

Flour confectionery.

Fresh fruit and vegetables other than potatoes (not including fruit or vegetables which are bottled, frozen, dried or otherwise processed, but so that for this purpose cleaning or the removal of extraneous or inedible matter shall not be regarded as processing).

Liquid cow's milk (other than condensed milk).

Meat pies.

Sugar confectionery, chocolate and chocolate confectionery.

Single toffee apples.

TABLE C

Foods of which the ingredients need not be specified in so far as they are pre-packed for sale as such, but are governed as regards composition by the Order specified in Column 2 and must comply therewith as regards composition.

| Column 1                                                                                                                    | Column 2                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any food for which a standard is prescribed by an Order under Regulation 2 of the Defence (Sale of Food) Regulations, 1943. | The Order prescribing the standard.                                                                                                                                           |
| Canned fruit and canned vegetables, if specified in Part I of the Second Schedule to the Order in Column 2.                 | The Canned Fruit and Vegetables (No. 2) Order, 1946 (b).                                                                                                                      |
| Christmas puddings ... ..                                                                                                   | Order, dated September 11, 1943, prescribing appointed days under the Manufactured and Pre-packed Foods (Control) Order, 1942, and granting a General Licence thereunder (c). |
| Fish cakes ... ..                                                                                                           | The Fish Cakes (Maximum Prices) Order, 1943 (d).                                                                                                                              |
| Meat or fish paste (canned or otherwise) ...                                                                                | The Meat Products, Canned Soup and Canned Meat (Control and Maximum Prices) Order, 1946 (e).                                                                                  |
| Beef sausages, pork sausages, slicing sausage, beef sausage meat and pork sausage meat (other than canned) ... ..           |                                                                                                                                                                               |
| Standard saccharin tablets ... ..                                                                                           | The Saccharin (Control and Maximum Prices) Order, 1944 (f).                                                                                                                   |
| Sweetening tablets ... ..                                                                                                   |                                                                                                                                                                               |
| Soft drinks ... ..                                                                                                          | The Soft Drinks Order, 1946, as amended.                                                                                                                                      |

(a) S.R. & O. 1946 No. 945.

(b) S.R. & O. 1946 No. 1724.

(c) S.R. & O. 1943 (No. 1318) II, p. 798.

(d) S.R. & O. 1943 (No. 1593) II, p. 1121.

(e) S.R. & O. 1946 No. 1355.

(f) S.R. & O. 1944 (No. 69) II, p. 1063.

# APPENDIX C

## THE SECOND SCHEDULE

### PART I

#### VITAMINS

| Column 1                                                          |     |     |     |     |     | Column 2                                                                                                                                 |
|-------------------------------------------------------------------|-----|-----|-----|-----|-----|------------------------------------------------------------------------------------------------------------------------------------------|
| Substance                                                         |     |     |     |     |     | To be calculated as :                                                                                                                    |
| Group 1                                                           |     |     |     |     |     |                                                                                                                                          |
| Vitamin A                                                         | ... | ... | ... | ... | ... | International units of vitamin A.                                                                                                        |
| Group 2                                                           |     |     |     |     |     |                                                                                                                                          |
| Carotene                                                          | ... | ... | ... | ... | ... | International units of vitamin A, on the basis that 0.6 micrograms of betacarotene is equivalent to one international unit of vitamin A. |
| Group 3                                                           |     |     |     |     |     |                                                                                                                                          |
| Vitamin B <sub>1</sub>                                            | ... | ... | ... | ... | }   | Milligrams of aneurin hydrochloride.                                                                                                     |
| Aneurin                                                           | ... | ... | ... | ... |     |                                                                                                                                          |
| Aneurin hydrochloride                                             | ... | ... | ... | ... |     |                                                                                                                                          |
| Thiamin                                                           | ... | ... | ... | ... |     |                                                                                                                                          |
| Thiamin hydrochloride                                             | ... | ... | ... | ... |     |                                                                                                                                          |
| Group 4                                                           |     |     |     |     |     |                                                                                                                                          |
| Vitamin B <sub>2</sub>                                            | ... | ... | ... | ... | ... | Milligrams of riboflavin.                                                                                                                |
| Riboflavin                                                        | ... | ... | ... | ... | ... |                                                                                                                                          |
| Group 5                                                           |     |     |     |     |     |                                                                                                                                          |
| Nicotinic acid, nicotinic acid amide and their active derivatives | ... | ... | ... | ... | }   | Milligrams of nicotinic acid or the chemically equivalent quantity of nicotinic acid in milligrams.                                      |
| Niacin                                                            | ... | ... | ... | ... |     |                                                                                                                                          |
| Niacinamide                                                       | ... | ... | ... | ... |     |                                                                                                                                          |
| Nicotinamide                                                      | ... | ... | ... | ... |     |                                                                                                                                          |
| Group 6                                                           |     |     |     |     |     |                                                                                                                                          |
| Vitamin C                                                         | ... | ... | ... | ... | ... | Milligrams of ascorbic acid.                                                                                                             |
| Ascorbic acid                                                     | ... | ... | ... | ... | ... |                                                                                                                                          |
| Group 7                                                           |     |     |     |     |     |                                                                                                                                          |
| Vitamin D                                                         | ... | ... | ... | ... | ... | International units of vitamin D.                                                                                                        |
| Group 8                                                           |     |     |     |     |     |                                                                                                                                          |
| Vitamin D <sub>2</sub>                                            | ... | ... | ... | ... | }   | International units of vitamin D.                                                                                                        |
| Calciferol                                                        | ... | ... | ... | ... |     |                                                                                                                                          |
| Group 9                                                           |     |     |     |     |     |                                                                                                                                          |
| Vitamin D <sub>3</sub>                                            | ... | ... | ... | ... | ... | International units of vitamin D.                                                                                                        |

The quantity of any substance specified in the first column of the above Table must be calculated in the manner prescribed in relation thereto in the second column, but it shall not be necessary to specify this quantity in terms of the substance named in the second column. It shall be sufficient if such quantity is specified together with a reference to any of the substances in the same group as named in the first column, as if all the names in the group were synonymous. Carotene may be referred to either as Carotene or as vitamin A ; vitamin D<sub>2</sub>, Calciferol and vitamin D<sub>3</sub> may be referred to as such or as vitamin D.

### PART II

#### MINERALS

| Column 1   |     |     |     |     |     | Column 2                            |
|------------|-----|-----|-----|-----|-----|-------------------------------------|
| Substance  |     |     |     |     |     | To be calculated and specified as : |
| Calcium    | ... | ... | ... | ... | ... | Milligrams of calcium.              |
| Iodine     | ... | ... | ... | ... | ... | Micrograms of iodine.               |
| Iron       | ... | ... | ... | ... | ... | Milligrams of iron.                 |
| Phosphorus | ... | ... | ... | ... | ... | Milligrams of phosphorus.           |

*Note :—Omitted :—*

The Third Schedule — Dates of Revocation of Provisions of the Labelling of Food (No. 2) Order, 1944, as amended.

The Fourth Schedule — Dates of coming into force.

## APPENDIX D

# The Food Substitutes (Control) Order 1941

*S.R. & O. 1941, No. 1606.*

1. In this Order—

“ Food has the meaning assigned to it in Section 100 of the Food and Drugs Act, 1938 ;

“ Food Substitute ” means any preparation or product offered or purporting to be capable of being used as a substitute for any food.

2. Except under and in accordance with the terms of a licence or other authority granted by or on behalf of the Minister no person shall by way of trade or business engage in the manufacture of any food substitute.

3. No person shall sell any food substitute except in the container in which and under the label and description under which it was sold by the manufacturer of that food substitute.

4. On and after the 10th day of November, 1941, no person shall sell or offer or agree to sell or expose for sale any food substitute unless that food substitute shall have been manufactured under and in accordance with the terms and conditions of a licence granted for the purposes of this Order by or on behalf of the Minister.

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## APPENDIX E

### Codes of Practice

#### COCOA POWDER AND DRINKING CHOCOLATE

C.P.1

##### *Cocoa Powder*

1. (i) "Cocoa" manufactured for sale for drinking purposes consists of a powder derived only from the cocoa bean, the minimum cocoa butter content of which is 20% and the maximum shell content 5%, and to which small quantities of salt and/or other flavouring material may be added. The product may or may not have been subjected to solubilising treatment.  
(ii) Manufacturers should not manufacture cocoa for sale for drinking purposes unless the product complies with the above definition.
2. Manufacturers who make and sell cocoa which is not intended for drinking purposes and which does not comply with paragraph 1(i) should, on their invoices and labels, use a name, e.g. "manufacturing" or "cooking" which indicates to the purchaser that the product is not sold for drinking purposes.

##### *Drinking Chocolate*

3. (i) "Drinking Chocolate" in solid form consists only of cocoa (as defined in paragraph 1) and sugar, to which milk (either full cream or skimmed) and a small quantity of flavouring materials may be added. Drinking chocolate may be manufactured in liquid form and for that purpose the sugar ingredient may be present in syrup form. For the purpose of this paragraph, "sugar" means cane sugar or beet sugar, confectioners' glucose or invert sugar.  
(ii) Manufacturers should not manufacture for sale as "drinking chocolate" a product which does not comply with the above definition.

##### *Other Names*

4. Manufacturers should not use for a product not complying with the above definitions a name which would lead an intending purchaser to believe that he is purchasing cocoa or drinking chocolate respectively.

#### FISH

C.P.2

- (a) Fish sold under the names indicated below should belong to the species shown—

|     |          |                                 |
|-----|----------|---------------------------------|
| (1) | Herring  | <i>Clupea Harengus.</i>         |
| (2) | Sild     | Young <i>Clupea Harengus.</i>   |
| (3) | Pilchard | <i>Clupea Pilchardus.</i>       |
| (4) | Sardine  | Young <i>Clupea Pilchardus.</i> |
| (5) | Sprat    | <i>Clupea Sprattus.</i>         |
| (6) | Brisling | Young <i>Clupea Sprattus.</i>   |
| (7) | Anchovy  | <i>Engraulis Encrasicholus.</i> |

- (b) Consumers are frequently misled by the following practices, which should be avoided—

- (1) The names of distinct species of fish are sometimes combined and used as the common or usual name to describe one of those species when it has been subjected to a process usually confined to the other. Thus sprats for example have been sold as Anchovy Sprats, when they have been subjected to an anchovy process.

- (2) It is a common form of misleading labelling to describe an inferior or unpopular fish as a superior or more popular fish, with a prefix such as Rock, Silver, or some other adjective designed to give the impression that the fish is a special sub-variety of the superior species. Examples are whiting, described as Silver Hake, crawfish as Cape or Spiny Lobster, coal fish as Rock Salmon, dog fish as Rock Cod. Every type of fish should be sold under its true name, and the use of misleading prefixes should be avoided.

**(c) Fish Pastes**

The principles applied to the naming of fish should, of course, be also applied to all products of fish, including fish pastes. Thus the sale of "Sardine fish paste," manufactured from brisling, would be regarded as misleading and a breach of the Defence (Sale of Food) Regulations.

**FISH PASTES OR FISH SPREADS  
(PRE-PACKED AND OPEN PACKS)**

**C.P.3**

1. A fish paste must contain not less than 70% of fish and may contain a cereal or other binder. Where raw or smoked or otherwise processed fish is used, the weight should be the net weight of the raw fish after waste has been eliminated. Where canned fish is used, the weight should include any natural liquor but exclude any added liquor, e.g. brine, oil, etc.
2. Only if a paste contains no filler may it be sold as potted fish, e.g. a product sold as potted salmon must consist solely of salmon with no added binder.
3. Although the Labelling of Food Order, 1946, does not require a statement of ingredients on the labels of prepacked fish pastes and does not apply to open packs, the Ministry of Food and the Food Manufacturers' Federation have agreed that the following methods of labelling should be adopted to secure that no labels are misleading as to the nature, substance or quality of either class of product in contravention of Regulation 1 of the Defence (Sale of Food) Regulations, 1943.

**A. Fish Paste containing no fish other than that named in the title**

The description "paste," preceded by the name of the specific fish, should normally be used only to describe a paste the fish content of which is derived exclusively from the named fish, e.g. "Salmon Paste" is the appropriate description of a product the fish content of which is exclusively salmon. Where, however, 70% of the fish paste content consists of a single fish and the remaining 30% includes other fish, there is no objection to the name of the principal fish ingredient being applied to the paste.

**B. Pastes containing fish other than that named**

If any fish other than that named on the label is used in the manufacture of a fish paste, there must be an indication that other fish is used. This may be effected :—

- (1) by continuing the present practice of describing the product as "Fish Paste" and qualifying the name of the variety by the phrase "and other fish."

*Example :* A product containing at least 70% of fish, made up of salmon mackerel and real anchovies (at least 15%) would be labelled—

- (a) Fish Paste.
- (b) Anchovy.
- (c) and other fish.

## APPENDIX E

The wording in (a) and (c) should be legibly and prominently displayed in a conspicuous place on the label, and on the label of a pre-packed product should not be less than 1/12th of an inch in height.

- (2) by qualifying the name of the variety by the description "A fish paste made from. . ." followed by an indication of the ingredients of the product, named in the order of their proportion by weight.

*Example :* A product containing at least 70% of fish, made up of, say, salmon, mackerel and real anchovies (at least 15%) with added ingredients (including, say, rusk 10%) should be labelled—

(a) ANCHOVY

- (b) A fish paste made from salmon, mackerel, anchovy, rusk, salt, spices (etc.).

### C. Fish Pastes, unqualified.

There is no objection to a product being described as fish paste without qualification.

4. The quantity of any fish named in the title of a fish paste must be sufficient to justify the use of the name. In the light of the present supply position, the following percentages of the named fish have been agreed and are expressed as minimum percentages of the net weight of the finished product (see paragraph 1) as follows:—

| The name of the variety |     |     |     |     | Minimum percentage of named fish in finished product |                            |
|-------------------------|-----|-----|-----|-----|------------------------------------------------------|----------------------------|
| Anchovy                 | ... | ... | ... | ... | 15%                                                  | Anchovies                  |
| Bloater                 | ... | ... | ... | ... | 20%                                                  | Red Herrings, or Bloater   |
|                         |     |     |     |     | 14%                                                  | Red Herring Pulp           |
| Brisling & Tomato       | ... | ... | ... | ... | 40%                                                  | Brisling                   |
| Buckling & Tomato       | ... | ... | ... | ... | 20%                                                  | Buckling                   |
| Crab                    | ... | ... | ... | ... | 10%                                                  | Crab                       |
| Crab & Lobster          | ... | ... | ... | ... | 10%                                                  | Crab & Lobster (added)     |
| Herring & Shrimp        | ... | ... | ... | ... | 40%                                                  | Herring ; 2% Shrimp        |
| Herring & Tomato        | ... | ... | ... | ... | 40%                                                  | Herring                    |
| Kipper                  | ... | ... | ... | ... | 20%                                                  | Kipper                     |
| Lobster                 | ... | ... | ... | ... | 10%                                                  | Lobster, or Lobster Tomali |
| Pilchard & Tomato       | ... | ... | ... | ... | 40%                                                  | Pilchard                   |
| Prawn                   | ... | ... | ... | ... | 12½%                                                 | Prawn Meat                 |
| Salmon                  | ... | ... | ... | ... | 25%                                                  | Salmon                     |
| Salmon & Anchovy        | ... | ... | ... | ... | 25%                                                  | Salmon ; 3½% Anchovies     |
| Salmon & Crab           | ... | ... | ... | ... | 25%                                                  | Salmon ; 5% Crab           |
| Salmon & Lobster        | ... | ... | ... | ... | 25%                                                  | Salmon ; 5% Lobster        |
| Salmon & Shrimp         | ... | ... | ... | ... | 25%                                                  | Salmon                     |
|                         |     |     |     |     | 2%                                                   | Shrimp Meat                |
| Salmon & Tomato         | ... | ... | ... | ... | 25%                                                  | Salmon                     |
| Sardine                 | ... | ... | ... | ... | 25%                                                  | Sardine                    |
| Sardine & Tomato        | ... | ... | ... | ... | 25%                                                  | Sardine                    |
| Shrimp                  | ... | ... | ... | ... | 12½%                                                 | Shrimp Meat                |
| Smoked Herring          | ... | ... | ... | ... | 20%                                                  | Smoked Herrings            |
| Smoked Roe              | ... | ... | ... | ... | 40%                                                  | Smoked Roe                 |
| Smoked Salmon           | ... | ... | ... | ... | 30%                                                  | Smoked Salmon              |

5. Where it is desired to manufacture a fish paste the composition and description of which are not provided for above, manufacturers should approach the Ministry for advice.

This code is not intended to represent normal practice in times of free supply, but it aims to preserve, so far as the present supply position of raw materials permits, the recognised characteristics of canned soups sold under established names. It is drawn up without prejudice to amendment as and when ingredients become more freely available.

In the absence of any reference to dilution on the label, the soup in the container must conform to any minimum quantity prescribed in the following specifications. If the label bears a reference to dilution, that reference must be specific and the relative minimum quantities must be increased proportionately in accordance with the dilution recommended.

## 1. MEAT SOUPS

For the purpose of the definition of meat soups, meat means raw fat-free boneless edible flesh or the equivalent of dehydrated meat when reconstituted. Meat Extract, Hydrolysed Protein or Yeast Extract are not equivalent to meat and may not be reckoned as such.

Where dehydrated meat is used it may be disclosed in the statement of ingredients without the prefix "dehydrated," and its position should be related to its reconstituted state. The equivalent weight of raw meat is 2.5.

With regard to the use of whalemeat, it has been decided that existing descriptions may be retained provided not more than 50% of the minimum meat content consists of whalemeat. In the case of Oxtail Soup and Kidney Soup, the proportion of whalemeat must not exceed 50% of the meat content excluding offal; thus Oxtail Soup may contain 2% Oxtail and half of the remaining 4% may be whalemeat. Where whalemeat is used it must be disclosed as such in the statement of ingredients.

### (a) "*Meat Soup*"

A product sold under this description, unqualified, should contain not less than 6 per cent. by weight of meat (excluding bone and fat).

### (b) "*Meat Soup—made with an Edible Extract*"

As a temporary concession, a product which contains not less than 1.5 per cent. by weight of meat (excluding bone and fat) and, in addition, an appropriate amount of edible extract, may be described as:

"Meat Soup—made with Meat Extract";

"Meat Soup—made with Hydrolysed Protein";

"Meat Soup—made with Yeast Extract."

as the case may be. Where more than one edible extract is used, the title should include the name of the predominating extract only.

### (c) "*Oxtail Soup*"

A product sold under this description, unqualified, must contain not less than 2 per cent. by weight of whole oxtail including bone. The total content, however, of any kind of meat (excluding bone and fat) must be not less than 6 per cent. by weight.

### (d) "*Oxtail Soup—made from Oxtail Extract*"

As a temporary concession, a product may be sold under this description if it contains not less than 1½ per cent. by weight of meat (excluding bone and fat) and, in addition, an appropriate amount of oxtail extract.

### (e) "*Turtle Soup*"

A product sold under this description should contain not less than 6 per cent. by weight of turtle meat.

## APPENDIX E

### (f) "*Mock Turtle Soup*"

A product sold under this description should contain not less than 6 per cent. by weight of meat (excluding bone and fat).

### (g) "*Kidney Soup*"

A product sold under this description should contain not less than 6 per cent. by weight of meat (excluding bone and fat) of which not less than two-thirds shall be kidney meat.

### (h) "*Mulligatawny Soup*"

A product sold under this description should have a meat content of a meat soup, i.e. not less than 6 per cent. by weight of meat (excluding bone and fat). It should be flavoured with curry and may be garnished with an appropriate cereal.

## 2. CREAM SOUPS

Until such time as butter fat is available, no exception will be taken to the use of the description "*Cream Soup*", provided the soup contains not less than  $3\frac{1}{2}$  per cent. by weight of edible oil or fat.

## 3. VEGETABLE SOUPS

For the purpose of the definitions of vegetable soups, the term "*bulk weight*" shall denote the weight of the fresh vegetable when prepared for use, i.e. peeled, trimmed or shelled, as the case may be.

### (a) "*Vegetable Soup*"

A product sold under this, or similar description, e.g. "*Mixed Vegetable Soup*," "*Windsor Vegetable Soup*," should contain at least four different varieties of vegetable and no one variety should unduly predominate. Should the bulk weight of one vegetable be more than the sum of the bulk weight of the remaining vegetables, the descriptions of the soup should include the name of the predominant variety (e.g. *Potato and Vegetable Soup*).

### (b) *Single-named Vegetable Soups*, e.g. "*Celery Soup*," "*Tomato Soup*," "*Lentil Soup*."

In a product sold under such a description, the bulk weight of the named vegetable must exceed the sum of the bulk weight of the remaining vegetables (if any).

### (c) "*Pea Soup*" and "*Green Pea Soup*"

The description "*Green Pea Soup*" implies a soup made from fresh green peas or from canned or frozen green peas. A soup made from processed or dried marrowfats and blues must be described as *Pea Soup* without any suggestion that fresh green peas have been used.

## 4. CLEAR SOUPS

For the purpose of the following definition, a clear soup is considered to be the thin clear liquid obtained by the suitable extraction of meat, or by the dilution of an appropriate amount of meat extract, or, in the case of vegetable clear soups, by the suitable extraction of selected vegetables.

### (a) *Single named Meat Consommés*, e.g. "*Chicken Consommé*"

A product sold under one of these descriptions should be a clear soup in the preparation of which the named meat, e.g. Chicken, has been the predominant single ingredient.

## CODES OF PRACTICE

### (b) "Consommé"

A product sold under this description should be a clear soup in the preparation of which meat (or an equivalent amount of meat extract) has been the predominant single ingredient.

### (c) "Julienne"

A product sold under this description should be a suitably flavoured clear soup, in the preparation of which meat (or an equivalent amount of meat extract) has been the predominant single ingredient. It may contain not less than 3 per cent. and not more than 6 per cent. by weight of strip or diced vegetables.

### (d) "Clear Vegetable Soup"

A clear vegetable soup may not be termed "Consommé" or "Julienne" and the word "Vegetable" must appear in the title.

## 5. BROTHS.

A broth as canned shall contain meat or bone extractives, derived from meat, bones, meat extract or bone extract, used either singly or in any combination of two or more, in such proportion that the "meat nitrogen" content shall be equivalent to not less than 1% by weight of "protein" (Nx6.25). The broth may contain optionally meat fibre, vegetables, farinaceous material spices, herbs and suitable colourings and flavourings.

### (a) *Single-named Meat Broths*, e.g., Beef Broth

A product sold as "beef broth" should be a broth as defined above in the preparation of which only beef, beef extract or beef bones have been used as the meat ingredient. In the case of "chicken broth," however, 75% only need be in the form of chicken protein, the remaining 25% to be derived from other meats.

### (b) *Mulligatawny Broth*

A product sold under this description should be a broth as defined above flavoured with curry, and may be garnished with an appropriate cereal.

### (c) *Single-named Vegetable Broths*, e.g., Tomato Broth

A product sold as "tomato broth" should be a broth as defined above and should contain at least 20% of tomatoes.

*Explanation* The figure for the meat nitrogen content, which is given in the definition of broth relates not merely to the liquid part but to the complete product including solids. Thus the meat protein content of a 16 ozs. tin of broth, of which 12 ozs. is liquid and 4 ozs. solid, should be 1% of 16 ozs.

## 6. MISCELLANEOUS

### (a) "Brown Soup," "Windsor Soup" "Eton Soup"

A product sold under these descriptions should be a thick brown soup, the basis of which is a brown roux to which a broth as defined in paragraph 5 above has been added.

### (b) "Minestrone"

A product sold under this description should contain appreciable amounts of strip or diced assorted vegetables and may or may not contain meat. A macaroni product (Macaroni, spaghetti, vermicelli) must be present.

## APPENDIX E

### (c) "*Scotch Broth*"

A product sold under this description should contain not less than 6% meat, including bone and fat, or 3% boned meat. The predominating proportion should in both cases be mutton. It should contain barley and an assortment of vegetables and should be thickened to a suitable consistency.

### (d) *Mushroom Soup*

A product sold under this description should be a soup in which mushrooms are the predominant single ingredient.

*Special provisions regarding labels which may be used up before 1st February, 1950, and/or 1st February, 1951*

### *General*

It has been agreed that prior to 1st February, 1950, the Ministry will take no exception to labels conforming with the following proposals. The effect of these proposals is to allow soft drinks manufacturers to use up as far as possible their existing pre-concentration types of labels until they can obtain labels of new design.

#### *A. Labels referring to fruit, fruit juice and other named ingredients on beverages containing none or an insufficient quantity of the ingredients indicated* *Descriptions inferring the presence of particular ingredients.*

Descriptions including words such as "cream," "milk," should not be used unless the ingredients named are present in the product. It has been agreed, however, that no exception will be taken to the descriptions "Cream Soda" and "Ice Cream Soda" which have, by long usage, become the recognized descriptions of clear, vanilla-flavoured ready-to-drink beverages and, to that extent, do not mislead the purchaser into thinking that they are made from cream or ice cream. It is proposed to discuss as between the Ministry and the trade what minimum quantities of kola, hop bitters, dandelion and burdock, etc., should be present in a drink in order to justify the use of these names in the description. Until a final decision is reached on these points, no exception will be taken to these descriptions, if some proportion of the ingredient named is present.

All existing pre-concentration labels indicating the presence of fruit, fruit juice, vegetable or botanical products (e.g., "Lime Juice and Soda"; "Champagne Orange"; "Lemon Crush"; "Hop Bitters"; "Kola") may be used prior to 1st February, 1950, for beverages which do *not* contain the ingredients indicated by the description, *provided they are amended in one of the following ways* :—

- (1) A slip label should be fixed either across, or immediately above or below the main label, bearing the words "contains flavour only" or, if there is any suggestion of alcoholic properties, "non-alcoholic—contains flavouring only." The slip label should be in dark block type, not less than  $\frac{1}{4}$  in. in height, on a light coloured ground.

or :—

- (2) A slip label may be used showing as the description of the product the words "Limeade," "Orangeade," etc., as the case may be, provided that the original description on the label is obliterated by the slip label.

#### *B. Labels bearing illustrations of fruit*

Before 1st February, 1951, no exception will be taken to illustrations of any fruit appearing on labels provided they meet the requirements of paragraph A above.

#### *C. Labels which might suggest alcoholic properties*

(1) Before 1st February, 1950, no exception will be taken to labels which suggest alcoholic properties, e.g., "Orange Champagne," "Punch," etc., provided that the word "non-alcoholic" appears prominently and conspicuously, or that a slip label is fixed either across, or immediately above or below the main label bearing the word "non-alcoholic."

(2) No exception will be taken to such descriptions as "Ginger Beer" or "Ginger Ale."

D. *Labels bearing such descriptions as “ciderette” or “cherry ciderette”*

Before 1st February, 1951, no exception will be taken, in the case of old types of labels, to the descriptions “Ciderette” or “Cherry Ciderette” for a flavoured, carbonated beverage.

E. *Labels indicating tonic properties*

(1) Any labels suggesting specific tonic claims (e.g., “contains valuable tonic properties”) should be referred to the Ministry stating the grounds upon which the claims are based.

(2) Before 1st February, 1951, no exception will be taken to the descriptions “Tonic Water,” “Indian Tonic,” or “Quinine Tonic,” when the preparation contains not less than half a grain quinine per pint, and no other tonic properties are claimed. On reprinting labels these products should be described as “Indian Tonic Water,” or “Quinine Tonic Water,” and the label should bear a statement of quinine content in the following terms :—“Contains not less than  $\frac{1}{2}$  grain quinine (calculated as quinine sulphate B.P.) per pint.”

(3) Before 1st February, 1951, no exception will be taken to phrases including such words as “invigorating” and “stimulating.”

F. *Labels indicating vitamin or mineral contents*

No suggestion may be made in a label or advertisement that a soft drink contains vitamins or minerals, e.g., “Iron Brew,” unless the vitamin or mineral content is significant, and is declared in accordance with Article 5 of the Labelling of Food Order. Any manufacturer in doubt, contemplating the use of labels bearing such claims, should consult the Ministry of Food.

G. *Brand Names*

No exception will be taken to the use of proprietary names, provided they are not misleading.

H. *Declaration of ingredients and of minimum content*

(1) Soft drinks which comply with the standards prescribed in the Soft Drinks Order No. 2756 of 1947 as amended are not required to disclose ingredients or declare minimum contents.

(2) Any non-standard soft drink permitted by the Ministry to be manufactured will be required to declare ingredients and minimum contents.

I. *Labels must disclose the identity of the bottler or labeller, or the person on whose instructions or on whose behalf the soft drink is bottled or labelled.*

This disclosure of identity may take the form of either the name and address of the bottler or labeller, or a registered trade mark *with the words “Registered Trade Mark” associated with it on the label.*

A manufacturer or packer who uses bottles branded with his name and the town in which he manufactures, will not be required to put any information concerning his identity on the label.

SOFT DRINKS

C.P.5/2

*General Principles which should be observed on and after 1st February, 1950*

A. *Labels must not falsely describe or mislead as to the nature substance or quality of a soft drink*

In this connection the following points should be noted :—

(1) *Description inferring the presence of fruit as an ingredient*

The word “fruit” or the name of a fruit must not be used in the description of a soft drink which does not include the minimum quantity of fruit juice required

## CODES OF PRACTICE

by the standard prescribed for fruit juice drinks unless it is made clear either by the introduction of the word "Flavour" into the description (e.g., "Orange Flavour") or, in the case of ready-to-serve drinks, by the use of the suffix "-ade" (e.g., "Orangeade") that the product is a flavoured product not containing fruit juice.

### (2) *Illustration of fruit*

Illustrations of fruit should not appear on a label unless the juice of the fruit illustrated is used as an ingredient in the beverage to the amount required by the standard. Where several fruit juices are present and the total fruit juice content is up to the figure prescribed by the standard no objection would be raised to an illustration of all the fruits, the juices of which have been used, provided they are present in significant quantities.

No exception would, however, be taken to multiple illustrations of fruit designed for use over a wide range of fruit juice drinks, provided that the name of the particular fruit juice drink so labelled appears prominently and conspicuously on the main label.

*Note* :—Until 1st February, 1951, soft drinks which do not contain the required amount of fruit juice may continue to bear labels showing illustrations of fruit provided the product is described in accordance with A (1) above.

### (3) *Description inferring the presence of particular ingredients*

Descriptions including words such as "cream," "milk," "kola," "hop bitters," "dandelion and burdock" should not be used unless the ingredients named are present in the product. It has been agreed however, that no exception will be taken to the descriptions "Cream Soda" and "Ice Cream Soda" which have, by long usage, become the recognized descriptions of clear, vanilla-flavoured ready-to-drink beverages and to that extent do not mislead the purchaser into thinking that they are made from cream or ice cream. It is proposed to discuss as between the Ministry and the trade what minimum quantities of kola, hop bitters, dandelion and burdock, etc., should be present in a drink in order to justify the use of these names in the description. Until a final decision is reached on these points no exception will be taken to these descriptions if some proportion of the ingredient named is present.

### (4) *Descriptions must not mislead as to nutritional or dietary value*

Nutritional, dietary, tonic, restorative or medicinal properties should not be claimed for a soft drink either in its title or elsewhere on the label, unless these claims can be substantiated. But the description "Quinine Tonic Water" or "Indian Tonic Water" may be used for a soft drink which contains not less than half a grain of quinine per pint. A statement to that effect should be included on all new labels.

*Note* :—Until 1st February, 1951, no exception will be taken to claims on labels that a soft drink is invigorating or stimulating, or to the use of existing labels for standard "Tonic Water," "Indian Tonic" or "Quinine Tonic" which do not contain a statement of quinine present.

### B. *Descriptions must not include names which may be suggestive of alcoholic liquors*

The names of alcoholic liquors should not be used to describe soft drinks, with the following exceptions :—

#### (1) *Descriptions including the word "wine"*

The word "wine" may be used only if the name of the drink is immediately preceded by the word "non-alcoholic" in letters of at least half the size but of the same colour and type as the rest of the description (e.g., "Non-Alcoholic Ginger Wine"). If the product is described as a fruit wine, it should contain fruit juice to the amount prescribed for a ready-to-drink beverage containing fruit juice. All non-alcoholic wines will have to contain the minimum amount of sugar prescribed by the standard.

## APPENDIX E

### (2) *Description based on the word "cider"*

The appropriate designations of products derived from fermented and unfermented apple juice have yet to be settled but descriptions based on the word "Cider," e.g., "Ciderette" should not be used for beverages which contain flavouring only.

*Note* :—The use of manufacturers, existing labels for "Ciderette" and "Cherry Ciderette" will be allowed until the 1st February, 1951.

### (3) *Description of products as cocktails*

Article 4 of the Labelling of Food Order defines cocktails as alcoholic liquors containing spirits and prohibits the use of any description which infers or suggests that any other product is a cocktail. It permits, however, the description "Non-Alcoholic Fruit (or Vegetable) Juice Cocktail" for a non-alcoholic product consisting of undiluted fruit or vegetable juice and ready for consumption without dilution. The word "non-alcoholic" should be at least half the size but of the same colour and type as the rest of the description.

### (4) *"Ginger Beer or Ginger Ale"*

No exception will be taken to these descriptions.

### (5) *"Non-Alcoholic Shandy" or "Non-Alcoholic Shandy-Gaff"*

No objection is taken to these descriptions when applied to mixtures of brewed products (e.g., low gravity beer) and mineral water. Drinks based on essences and sweetenings should be called "Shandyade" and illustrations of hops and hop leaves should not appear on the labels.

### C. *Labels claiming or suggesting the presence of vitamins or minerals must comply with the Labelling of Food Order*

No suggestion may be made in a label or advertisement that a soft drink contains vitamins or minerals (e.g., "Iron Brew") unless the vitamin or mineral content is sufficient to justify the claim, and the quantity present is declared in accordance with Article 5 of the Labelling of Food Order. Any manufacturer contemplating the use of labels which suggest the presence of vitamins or minerals should consult the Ministry of Food.

### D. *Labels must disclose the identity of the bottler or labeller or the person on whose instructions or on whose behalf the soft drink is bottled or labelled*

This disclosure of identity may take the form of either the full name and postal address of the bottler or labeller, or a registered trade mark *with the words* "Registered Trade Mark" *associated with it on the label*.

### E. *Declaration of ingredients and of minimum contents*

(1) Soft drinks which comply with the standards prescribed in the Soft Drinks Order, are not at present required to disclose ingredients or declare minimum contents. If these declarations are made, they should comply with the requirements of the Labelling of Food Order.

(2) Any non-standard soft drink permitted by the Ministry to be manufactured, will be required to declare ingredients and minimum contents.

### F. *Brand Names*

No exception will be taken to the use of proprietary names, provided they are not misleading. Where, however, there is a common or usual name for the product (i.e., "Orangeade"), it should be shown on the label.

### G. *Distinction to be made between ready-to-drink and to be diluted beverages*

These distinct types of beverages are frequently sold under similar names—e.g., "Orange Crush." After 1st February, 1951, the words "to be diluted" or "ready-to-drink" (whichever is appropriate) should be included on the label, but in the case of carbonated drinks where the word "sparkling" appears in direct association with the name of the product the words "ready-to-drink" may be omitted.

This code is designed to ensure a clear distinction between sweetened and unsweetened flour mixtures.

(a) *Sweetened Mixtures*

The description on the label of a sweetened cake, pudding or sponge, etc., mixture must include the word "Sweetened" prominently displayed. It is a condition of the licence to manufacture such mixtures that they shall contain the appropriate minimum percentage of sugar as follows :—

|                        |   |     |
|------------------------|---|-----|
| Sponge Mixture         | — | 40% |
| Sponge Cake Mixture    | — | 40% |
| Sponge Pudding Mixture | — | 30% |
| Cake Mixture           | — | 30% |
| Pudding „              | — | 20% |
| Scone „                | — | 5%  |

In the case of mixtures sold for a composite purpose, there must be no suggestion on the label, other than the directions for use, that the product is suitable for the preparation of a class of product for which the appropriate percentage of sugar is not present.

(b) *Products containing Saccharin or Sugar and Saccharin*

To avoid confusion with products sweetened with sugar only, the use of the word "Sweetened" is prohibited in this description of flour mixtures containing saccharin. The label for such a product should describe it as a "Flour mixture containing saccharin." If such a product is sweetened with a mixture of sugar and saccharin, the amount of sugar present must not be less than half that required when sugar is the sole sweetening agent. These products must not be described as sweetened, but should be labelled "Flour Mixture, containing sugar and saccharin."

(c) *Unsweetened Flour Mixtures*

Products which contain less than the minimum sugar content set out in (a) (and which contain no other sweetening material) must be described as "Unsweetened flour mixtures."

(d) There are various products sold as cake flour, bun flour, etc. Since these are not sold as "mixtures," it is not necessary for them to be qualified by the word "sweetened."

(e) There are various products, such as Yorkshire Pudding Mixture, Suet Pudding Mixture, etc., which have never contained sugar. There is, therefore, no need for the word "unsweetened" to be added.

SPECIALITY FLOURS

C.P.7

Such terms as "Whole Wheatmeal" or "100% Wheatmeal" can be applied only to the meal produced at 100% extraction from clean wheat without dilution of any kind. As regards "Wholemeal" and "Wheatmeal," it is considered desirable that there should be in the use of these terms a greater degree of uniformity than exists to-day and it is suggested that, subject to the reservation given in the next paragraph, the following descriptions should be generally adopted :—

*Wholemeal*—100% extraction from clean wheat.

*Wheatmeal*—any extraction in excess of 85%.

## APPENDIX E

When any new products of the wholemeal or wheatmeal type are licensed, the descriptions must comply fully with the definitions indicated above.

It is recognised, however, that many established brands of wholemeal are of a lower extraction than 100% from clean wheat. For the present, therefore, in order to meet such cases and to avoid unnecessary disturbance of consumer and trade practices and customs, no exception is taken to the continued use of the term "wholemeal" to describe existing brands provided the extraction is 95% or higher as calculated for the Flour Order. In no case may the description "wholemeal" be applied where the extraction is less than 95%.

### SPA WATERS

C.P.8

To secure that "Spa Waters" are not falsely described either on labels or in advertisements by names which might mislead as to their true nature, or bear claims, which may be misleading as to their nutritional or dietary value, the Ministry, in consultation with manufacturers has prepared the following "Code of Practice" for the guidance of traders in preparing their labels and advertisements.

This "Code" applies to both natural and artificial products which are defined as follows :—

#### 1. DEFINITIONS

- (i) *Natural Spa Water* means water from a natural spring or well, acknowledged by the Medical Profession to have therapeutic properties, which has been bottled without any processing other than filtration and/or sterilisation, but shall include any such water which has been rendered "sparkling" by the addition of carbon-dioxide.  
Such waters may therefore be either "Still" or "Sparkling."
- (ii) *Manufactured Spa Waters* : (Two types)
  - (a) Natural Spa Water as defined in (i) above, the composition of which has been changed by the addition of chemical salts, and
  - (b) a solution of chemical salts in water other than a Natural Spa Water.Both (a) and (b) may, if desired, be artificially aerated.  
These waters may therefore also be either "Still" or "Sparkling."
- (iii) "Still" means a water which remains quiescent and gives no manifestation of the presence of gas on opening the bottle.
- (iv) "Sparkling," "Carbonated" or "Aerated" means a water which contains sufficient gas, either present naturally or artificially introduced, that its presence is clearly indicated on opening the closure.

#### 2. DESCRIPTIONS

##### (i) *Natural Spa Waters*

The appropriate designation should indicate that the product is a natural spa water and should include the name of the district of origin and may, if desired, include the name of the particular well or spring from which the water was obtained. It is desirable to indicate whether a water is "still" or "sparkling" but in the absence of any specific declaration a water shall be regarded as "still," e.g.

|                                     |              |
|-------------------------------------|--------------|
| "Natural.....Water" (obligatory)    |              |
| "from the.....Spring." (permissive) |              |
| (Still) or                          | (Sparkling)  |
| (permissive)                        | (obligatory) |

(ii) *Manufactured Spa Waters*

(A) *Manufactured waters with a natural spa water basis :—*

- (a) When the additions are such as to give a water which *closely* resembles, both as regards the *nature* and *amount* of chemical salts present, another natural spa water, it shall be permissible to indicate this by including the name of prototype water, if this is qualified by the word "type," e.g.

" ..... " (Vichy Type) Water (obligatory)  
 prepared from " ..... " Water (permissible)  
 (Still)            or            (Sparkling)  
 (permissive)            (obligatory)

- (b) When the additions are not such as to conform to (a) above, no reference should be made to the name of a prototype water, and such waters should be sold under the maker's name or a brand name e.g.

(Maker's name) Spa Water (obligatory)  
 prepared from.....Water (permissive)  
 (Still)            or            (Sparkling)  
 (permissive)            (obligatory)

(B) *Products not having a natural spa water basis :—*

- (a) Solutions of a single chemical compound, usually the carbonate or bicarbonate and characterised by the name of the metal, e.g. Lithia Water, Potass Water, etc. shall contain not less than the equivalent of 5 grains of the appropriate bicarbonate per pint. It is considered that the simple title, e.g. *Lithia Water* etc., is sufficient indication of their true nature.

(b) *Seltzer Waters*

The use of "Seltzer" as the name, or part of the name, for a variety of aerated waters made to manufacturers' own formulae has so long been employed that the name would appear to have lost all association with the natural Seltzer waters. Provided, therefore, that no claims are made that a water bearing such a description in any way resembles the natural Seltzer waters, no objection will be raised to the use of the description 'Seltzer' for such aerated waters made to manufacturer's own formulae.

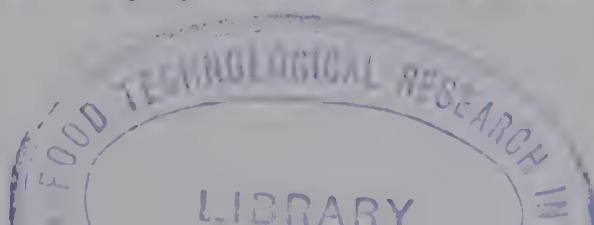
- (c) All other manufactured spa waters should bear the word "Artificial" as an integral part of the title.

3. LABELLING REQUIREMENTS

All the above mentioned products should be labelled to conform with Articles 2 and 5 of the Labelling of Food Order, 1946, as amended, and with the Defence (Sale of Food) Regulations, 1943.

(i) *The Labelling of Food Order, 1946 (as amended)*  
*Article 2*

"Natural Spa Waters" are regarded as within the category of single ingredient foods and provision has been made in the above Order exempting such products from the necessity of declaring the "ingredients." Where the only addition has been carbon dioxide this addition is indicated in the proposed descriptions and no further declaration is necessary.



## APPENDIX E

The labels for Still Spa Waters are also exempted from bearing a declaration of the minimum quantity in the container.

Since with manufactured waters the additions are similar in kind and quantity to those occurring in natural waters the same exemption from the necessity of declaring the ingredients and minimum quantity will be extended to these waters also.

Labels should therefore bear :—

- (a) the name and address of the manufacturer or a Trade Mark with which is closely associated the words "Registered Trade Mark."
- (b) the appropriate designation.

In the appropriate designations set out in (2)(ii), above no undue prominence should be given to any individual word or words.

### Article 5

The provisions of Article 5 apply to all the above mentioned classes of product and the quantitative declaration of the Scheduled minerals so required is necessary in all cases where claims or suggestions are made for the presence of minerals. Furthermore, all claims based on the presence of minerals should also accord with the "Code of Practice for Vitamins and Minerals."

Rarely will bottled waters contain the Scheduled minerals in amount sufficient to justify mention according to the above Code and consequently manufacturers are advised, when framing their labels and advertisements, to avoid the use of the word "mineral," statements of analysis, and medical claims which, by implication, can only refer to the Mineral content of the water.

A statement of analysis is not obligatory on the label and has little meaning to the ordinary purchaser. The appropriate medium for the dissemination of factual statistics and detailed analytical data is, in the Ministry's view, the technical literature favoured by members of the Scientific and Medical professions to whom such knowledge is comprehensible.

#### (ii) *The Defence (Sale of Food) Regulations 1943*

- (a) Since the Defence (Sale of Food) Regulations were made in 1943, many medical claims which were made on the pre-war labels are now more likely to be challenged by a Food and Drugs Authority. Many of these claims are of historical interest only and do not accord with modern medical opinion whilst others, which may be applicable to the full "Spa" treatment, including strict dieting and rest, are not justified when referring only to the bottled water.

It is recommended therefore that reference to the cure or alleviation of specific ailments should not be made on the label or in advertisements and that claims, where justified at all, should be couched in very general terms such as :

"This water has long been known and prescribed by the medical profession."

Any more detailed medical uses of the water could be brought to the notice of doctors more appropriately in literature circulated to the profession only.

## (b) *Claims for "purity"*

Claims for "purity" would appear to be a survival of the days when domestic supplies of water were not readily available and were often polluted to some degree and when a deep well or uncontaminated spring was a relatively "safe" source of supply. The position has changed radically and to-day water undertakings of any size deliver a plentiful supply of water of the highest purity both chemically and bacteriologically, which is equal, if not superior, to that obtained from most springs or wells.

Thus there would appear to be no merit nowadays in making claims as regards purity on the labels.

## WINES AND SPIRITS

C.P.9

### *Alcoholic Cordials*

The appropriate designation must include the word "Alcoholic."

### *Cocktails*

The following names imply that the cocktails are mixtures containing spirits :

|                 |                 |             |
|-----------------|-----------------|-------------|
| Bacardi         | Gin Sour        | Paradise    |
| Bees            | Golden Glory    | Perfect     |
| Blackthorn      | Jockey Club     | Pink Gin    |
| Bronx           | Maiden's Blush  | Pink Lady   |
| Clover Club     | Maiden's Prayer | Planters    |
| Clover Leaf     | Manhattan       | Rose        |
| Club            | Martini Dry     | Side Car    |
| Coffee Cocktail | Martini Sweet   | Trinity     |
| Dubonnet        | Monkey Gland    | Turf        |
| Fifty Fifty     | Morning Glory   | West Indian |
| Gimlet          | Old Fashioned   | White Lady  |
| Gin Cocktail    | Pall Mall       | White Rose  |

This list is not necessarily comprehensive.

### *Egg Flip*

The name "Egg Flip" can only be applied to a mixture of wine and eggs. It can only be regarded as an appropriate designation when qualified by some description such as "A mixture of wine and eggs." It is not regarded as a cocktail.

### *Liqueurs*

If a liqueur has a name which is not generally known, the fact that it is a liqueur should be shown. Otherwise the common or usual name is acceptable.

### *Cherry, Ginger, etc., Brandy*

- (i) The Brandy Code gives 20% as the minimum amount of grape brandy to justify the use of the word "brandy." Sweetened products with a lower genuine brandy content should be described as cherry etc. liqueurs.
- (ii) In products such as cherry brandy, the addition of a small quantity of flavouring (natural or synthetic) in conjunction with a suitable proportion of genuine fruit juice, will not disqualify the product from bearing the name of the fruit used. If, however, only artificial flavouring is used, then this must be indicated, e.g. Cherry flavoured Brandy, or Cherry Brandy, artificially flavoured.

*Liqueur Wine*

The title "liqueur wine" is permissible provided that :

- (i) the alcohol content is at least 35% proof spirit ;
- (ii) no sweetening ingredients have been added other than those permissible in a liqueur.

*Rum*

In the case of rum produced in any island of the British West Indies or in British Guiana, "British West Indies" may be stated on the label as the country of origin.

*Wines*

- (a) Where the name of a wine is used, and the name is an established one for a particular type of wine, e.g. "Montrachet," it may be accepted without further qualification as an appropriate designation ;
- (b) Where an imported wine has been processed in Great Britain so as to alter its character, for example, by infusion with herbs, then it should be described as "Produce of Great Britain."
- (c) British Wines : In order to avoid any possible contravention of the Defence (Sale of Food) Regulations, the word "Wine," wherever it appears on a label for a British Wine, should be preceded by the word "British."

**TEA AND COFFEE****C.P.10***Tea*

On the grounds that they are misleading as to the nutritional or dietary value of tea, exception has been taken to the following claims :—

- (1) That tea is digestive or an aid to digestion ;
- (2) That the tea is recommended by the medical profession, implying that such teas have some particular nutritional, dietary or medicinal value not to be found in other blends ;
- (3) Blends of tea entitled "Health Tea," "Tonic Tea," "Invalid Tea" etc., which imply, with or without making specific claims, that the particular blend possesses health-promoting, nutritional or dietary qualities not to be found in other blends ;
- (4) That the tea is composed of some particular portion of the leaf so that the blend is entirely free from tannin.

The Ministry has been advised that there is no evidence to show that tea is in any sense digestive, while claims which directly or indirectly imply that particular blends have health-promoting qualities or are medically recommended must be regarded as misleading in that they may lead the purchaser to think that the tea has some special qualities of this nature not to be found in other blends. Furthermore, the Ministry is advised that any variation in the quantity of tannin extracted from any tea at present on the market when properly made is insignificant from the standpoint of digestion or of general health.

*Coffee*

Similarly, there are no grounds for describing coffee as digestive or as having nutritional properties other than those of a stimulant.

The name "Coffee" *simpliciter* should be used to describe only the roasted and ground coffee bean and not be used to describe any other preparation or product.

A mixture of coffee and chicory should be clearly labelled "Coffee and chicory mixture."

## SALT

C.P.11

*Non-compounded salt* should normally be described as Household Salt or Cooking Salt. But, provided that no reference is made to its free-running qualities and that it is sold at the price agreed upon with the trade for Household Salt, no exception should be taken to its description as "Table Salt," if it is of a quality suitable for table use.

*Table Salt* is the common or usual name for salt containing magnesium carbonate. The words "Prepared" or "Free-running" may be added to the title. If it is sold under a brand name or simply as "Table Salt," some prominent indication of its free-running properties should be given on the label. The ingredients should be disclosed in the following form: "To improve the free-running qualities of this salt a very small proportion of magnesium carbonate has been added." A mere list of ingredients would be permissible only if a fully informative title were given to the product.

*Iodised Salt* should also be described as "prepared" or "free-running." The ingredients should be disclosed in the following form: "This salt contains magnesium carbonate (to improve the free-running qualities) and potassium iodide (with suitable modification if sodium iodide is used.) The iodine content is from 433 to 725 micrograms per ounce."

## SHREDDED SUET

C.P.12

Having regard to the fact that the minimum fat content of shredded suet is 83 per cent., general claims that it is more economical than ordinary suet and such expressions as "richer in fat" have been discontinued.

Claims to economy should either be restricted to a general claim that the product is economical in use or, if it is claimed to be more economical than ordinary suet, an indication should be given of the particular use in which the economy is claimed.

There is little difference in the digestibility of raw and shredded suet, and in view of this and the fact that no fat can be considered easily digestible, it has been agreed that, generally speaking, claims as to digestibility should not be made.

Since shredded suet is a standard product, it has also been agreed that, unless it is of some special character, there is no justification for any suggestion that a particular brand has special nutritional or dietary properties not common to any shredded suet.

## VINEGAR AND SOLUTION OF ACETIC ACID

C.P.13

The Ministry has indicated that, in order to secure that a solution of acetic acid is not sold under any description which might lead the public to believe that it was malt vinegar, it is preferable that it should be labelled artificial or imitation vinegar. Without prejudice, however, to any legal proceedings which might be taken to test the common use of the description "non-brewed vinegar," the Ministry has not taken exception to this phrase providing that the words "non-brewed" are printed in the same size and style as the word "vinegar."

*Note on the Strength of Non-Brewed Vinegar*

In *Webb v. Wyness* the King's Bench Divisional Court on the 24th November, 1948, ruled that non-brewed vinegar containing less than 4% acetic acid was not of the nature, substance or quality demanded.

*Concentrated Acetic Acid*

On grounds of public safety, this product should be described as "Concentrated Solution of Acetic Acid X%" (inserting at "X" the strength). This wording should be shown in bold type and should be accompanied by the following warning in red lettering not less than  $\frac{1}{8}$ " in height :—

**DANGEROUS—NOT TO BE TAKEN UNDILUTED**

**MACARONI AND SIMILAR PRODUCTS****C.P.14**

The following descriptions have been agreed :

1. Macaroni — Tubular shape.
2. Spaghetti — Solid rods not less than  $\frac{1}{16}$  of an inch diameter.
3. Vermicelli — Flat or rod shape not more than  $\frac{1}{16}$  of an inch diameter or width.
4. Plain Noodles — Flat ribbon shape, containing no egg.
5. Egg Noodles — Flat ribbon shape, containing egg.
6. Farfals — Ground, granulated or shredded alimentary paste.
7. Macaroni elbows — Tubular elbow shape approximately between  $\frac{3}{4}$ " and  $1\frac{1}{2}$ " overall length.
8. Spaghetti Pearls — Spaghetti, short-cut, to not more than  $\frac{1}{8}$ ".
9. Macaroni Rings — Macaroni, short cut to not more than  $\frac{1}{8}$ ".
10. Macaroni Pearls — Macaroni, short-cut to not more than  $\frac{1}{8}$ " and not more than  $\frac{1}{8}$ " diameter.
11. Macaroni Products rice shaped. — Extruded products in the shape of rice.
12. "Fancy Shapes" — Should be described under their normal classification, e.g. "Shells," "Letters," etc.

*Note* :—Under the descriptions 1, 2, 3 and 4, short lengths (of one inch or so) should be qualified by the word "cut", e.g. "Cut Macaroni".

**MEDICATED FOODS AND DRINKS****C.P.15**

Food is defined in the Defence (Sale of Food) Regulations, 1943, and the Labelling of Food Order, 1941, as "Any article used as food or drink for human consumption and including any substance which is intended for use in the composition or preparation of food, any flavouring, sweetening matter or condiment, and any colouring matter intended for use in food", and it is laid down that an article shall not be deemed *not* to be food merely because it is also capable of being used as a medicine. A medicinal or medicated product may, therefore, be both a food and a medicine.

The fact that a food is recommended as a medicine and must comply with the requirements of the Pharmacy and Medicines Act, 1941, does not make it any the less a food : the true criterion is whether or not it is ordinarily used or intended to be used as a food. Moreover, the payment of purchase tax upon a food as a medicinal or medicated food does not make it the less a food for the purpose of labelling under the Orders.

Foods to which pharmaceutical products have been added such as infant and invalid foods, cod-liver oil, malt extract, wheat germ, yeast extract in powder form, herb teas, medicated soft drinks and such alcoholic medicated liquors as require an excise licence for sale are therefore foods for the purpose of these Orders, and, if pre-packed, must comply with the requirements of the Labelling of Food Order.

Where a product is formulated on homoeopathic principles, and the medicaments disclosed are present only in minute traces, the Ministry has regarded any

disclosure of these ingredients and any claim as to nutritional or dietary value as misleading unless accompanied by a clear and conspicuous indication that the medicaments are of no significance except in homoeopathic practice.

### MALTED MILK

C.P.16

It has been agreed, as a temporary measure, that a product labelled "malted milk" should be required to contain a minimum butter-fat content of 7 per cent., and that no exception would be taken to the presence of additional milk solids derived from skim milk.

### HERBS AND MIXTURES OF HERBS

C.P.17

#### *Classification as Foods or Drugs*

Single named Herbs described by or sold under the name of the herb, on the label of which the directions for use and other information are restricted to a recommendation for medical use, should not be regarded as food.

Mixtures of herbs sold under a description suggesting that they are for the relief of an ailment of a particular organ, the name of which precedes the word "herbs", e.g. "Kidney" and "Liver" Herbs, should not be regarded as a food, provided that the further information on the label is restricted to an indication of medical uses.

Mixtures of herbs sold under their botanical description, solely for the relief of the named ailments indicated on the label, should not be regarded as a food provided the recommendations on the label are restricted to indications for use in the relief of named ailments.

All herbs, mixtures of herbs and herbal preparations described or directed for use in terms outside the above categories should be regarded as coming within the definition of food quoted above, irrespective of the fact that they may also be capable of being used as a medicine. The effect of this is that, whether or not they are recommended as medicines in terms which require them to comply with the Pharmacy and Medicines Act, 1941, they remain foods for the purposes of the Defence (Sale of Food) Regulations, and it would be a contravention of these Regulations to describe them falsely or to issue any label or advertisement which is misleading as to their nature, substance or quality and in particular as to their nutritional and dietary value.

Further, if they are packed in advance ready for retail sale, they must be labelled in accordance with the Labelling of Food Order, viz :—with a statement indicating their true nature (or, in the case of a mixed product, the common or usual name of the product and a statement indicating the true nature of each of its ingredients), the identity of the packer, labeller or distributor, and with the net weight of the contents.

The above statement is designed to deal with herbs which, in general, have not been subjected to processing beyond cleaning, drying and chopping. Herbal preparations, such as extracts, tinctures, infusions and the like, would, however, be dealt with on similar lines.

To enable products made from natural flavouring ingredients to be distinguished from those containing synthetic flavouring materials, the following labelling code has been adopted.

Where the flavouring ingredients are derived wholly from naturally occurring products, the product may be designated "Essence" irrespective of whether the essential oil is in solution or suspension. Where the flavouring ingredients are derived partly or wholly from artificial materials, the product should be termed "Flavour," "Flavouring," "Synthetic Essence" or "Artificial Essence."

## BRANDY

C.P.19

1. *Descriptions to be used* :—

- (1) The only spirit which is entitled to be imported, manufactured or sold in Great Britain under the unqualified description "Brandy" is the distillate of the fermented juice of fresh grapes without the admixture of any other spirits.
- (2) Cognac and Armagnac Brandies are Brandies as defined above, produced in the Cognac and Armagnac regions respectively. Both these areas and the methods of production are prescribed by the Laws of the French Republic. These names should not be used in the description of any brandies produced elsewhere, or by any method other than that prescribed by French Law.
- (3) *Fruit Brandy* :—  
Products derived exclusively by the distillation of the fermented juice of one fruit, and containing no wine brandy, shall be described as " . . . . . Brandy " and this should be followed by the words " a spirit distilled from . . . . . ". The blank space would in each case be filled by the name of the fruit used e.g. " Plum Brandy, a spirit distilled from fermented plums."
- (4) The description " Brandy " or " Fruit Brandy " should only be applied to potable spirits derived from the distillation of the fermented juice of fresh grapes, or from the distillation of the fermented juice of other fruits. Imported products distilled from other materials and made to simulate brandy, and imported compounded spirits made to simulate brandy should be labelled and sold as " Imitation Brandy."
- (5) Mixtures of genuine Brandy and imitation Brandy should be labelled and sold as in (4) above, e.g. " Imitation Brandy ". The labels may bear a description stating that the contents of the bottle are a blend of wine Brandy and imitation Brandy e.g. " a blend of Palestine Brandy and highly rectified spirit " (provided, of course, that the brandy is the greater of the two ingredients, when both are calculated at the same alcoholic strength.)
- (6) Potable spirit distilled from the skin and pulp of grapes, after the withdrawal of the juice or wine therefrom, should be described as " Marc Brandy ".

(7) *Liqueurs* :—

No exception will be taken to the established names for liqueurs—e.g. Cherry Brandy and Apricot Brandy— provided that they do contain substantial proportions of genuine brandy as defined at (1). It is agreed that this would be met if not less than 20 per cent. of the spirit content of the product is genuine brandy.

As a guide to biscuit manufacturers in the choice of names for their products the following code has been agreed between the Cake and Biscuit Manufacturers' War Time Alliance Limited and the Ministry of Food.

In preparing this code it was decided not to consider each biscuit name separately but rather to classify them into general groups and to indicate to the manufacturer what the use of the names or descriptions covered by each classification might suggest to the prospective buyer.

It was, however, agreed that certain names which might otherwise have been regarded as being misleading as to the nature, substance or quality of the biscuit had become the recognized description of particular types of biscuits and that, having become so regarded by the public, they were not necessarily misleading. Accordingly, special provision has been made for the continued use of such names as "Cheese Assorted," "Butter Puff," "Cream Cracker," "Creamy Chocolate" and "Butter," "Milk" and "Coffee" biscuits which are already established in the public mind as associated with particular products. Furthermore, in view of the present lack or inadequacy of supplies of arrowroot and of butter for use in "Arrowroot" and "Petit Beurre" biscuits respectively, it is agreed that exception should not be taken to the temporary use of these descriptions for biscuits made from amended recipes.

The classifications under which biscuit names have been grouped for the purpose of this code of practice are as follows :—

#### *Section 1*

Names which are regarded as indicating the presence of an ingredient or preparation either

- (a) in a readily recognizable quantity, or
- (b) according to a stated percentage.

#### *Section 2*

Names which are regarded either as indicating a particular flavour or a particular ingredient in a recognizable quantity.

#### *Section 3*

Names which are regarded as indicating the intended use of the biscuit.

#### *Section 4*

Names which are regarded as indicating the shape or design of the biscuit.

#### *Section 5*

Names incorporating the word "Cream."

#### *Section 6*

Names which infer some special nutritional, dietary, medicinal or health-giving qualities in the biscuits to which they are applied.

#### *Section 7*

Names incorporating the word "Vita" or inferring the presence of vitamins.

## APPENDIX E

### Section 1

(a) The use of names such as the following indicates the presence, in a readily recognizable quantity, of the ingredient or preparation named :—

|                                                                                                                                    |                        |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Bran                                                                                                                               | Marmalade              |
| *Cheese—including the words<br>Cheddar, Cheshire, Stilton,<br>Parmesan or any other recog-<br>nised names of particular<br>cheeses | Marshmallow            |
| Chocolate                                                                                                                          | Meal—same as Wholemeal |
| Coconut                                                                                                                            | Nougat                 |
| Currant                                                                                                                            | †Nut                   |
| Date                                                                                                                               | Oat                    |
| Fig                                                                                                                                | Raisin                 |
| Fruit                                                                                                                              | Rye                    |
| Ginger                                                                                                                             | Salt                   |
| Jam                                                                                                                                | Seed                   |
| Jelly                                                                                                                              | Sugar                  |
| Malt                                                                                                                               | Sultana                |
|                                                                                                                                    | Treacle                |
|                                                                                                                                    | Walnut                 |
|                                                                                                                                    | Wheatmeal              |
|                                                                                                                                    | Wholemeal              |

\*While the word "Cheese," when used to qualify any other name of biscuit, will be regarded as indicating the presence of cheese, the unqualified names "Cheese Biscuit," "Cheese Assorted," "Cheddar Assorted" are recognized as names describing a biscuit or an assortment of biscuits to be used with cheese and not necessarily containing cheese (See Section 3).

†The use of the noun "Nut" or "Nuts," with a prefix other than the name of a variety of nut, is understood to indicate a biscuit with a particular quality of hardness. The use of the word "Nut" or "Nuts" in this way does not indicate the presence of a nut as an ingredient.

(b) The use of names or of abbreviations of names such as the following indicates the presence of the ingredient or preparation named in a quantity not less than the percentage indicated :—

|                   |     |                                                                                                                                                                  |
|-------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Arrowroot         | ... | 5% of the cereal present to be arrowroot                                                                                                                         |
| Barley            | ... | 5% of the cereal present to be barley                                                                                                                            |
| ‡Butter or Beurre | ... | 50% of the fat present to be butter fat                                                                                                                          |
| Cornflour         | ... | 5% of the cereal present to be cornflour                                                                                                                         |
| Glucose           | ... | 10% of dextrose in finished product, either added as such or derived from glucose                                                                                |
| Honey             | ... | 7% of invert sugar derived from honey, in finished product.                                                                                                      |
| ‡Milk             | ... | Doughed wholly with skim milk or containing equivalent of skim milk powder, the resultant biscuit to contain 1.5% lactose equivalent to 3% separated milk solids |
| Rice              | ... | 5% of the cereal present to be rice                                                                                                                              |
| Soya              | ... | 15% soya in the finished product                                                                                                                                 |
| Tapioca           | ... | 5% of the cereal present to be tapioca                                                                                                                           |

‡When either the word "Butter" or "Milk" is used to qualify the name of any biscuit, it will be regarded as indicating the presence of "butter" or "milk" as an ingredient. The unqualified names "Butter Biscuit," "Butter Puff" and "Milk Biscuit," however, are recognized as describing the following biscuits which contain neither butter nor milk but are consumed with butter and milk respectively :—

## CODES OF PRACTICE

- Butter Biscuit ... A large round biscuit, unsweetened, semi-flaky in character, containing fat other than butter but suitable for use with butter.
- Butter Puff ... An unsweetened puff pastry biscuit, circular in shape and very light in texture.
- Milk Biscuit ... A circular biscuit unsweetened and less flaky than biscuits of the Cream Cracker type.

### Section 2

The use of names such as the following indicates the presence of the particular flavour or the particular ingredient in a readily recognizable quantity :—

|                          |            |
|--------------------------|------------|
| Almond                   | Nutmeg     |
| Butterscotch             | Orange     |
| Caramel                  | Pineapple  |
| Celery                   | Raspberry  |
| Cherry                   | Spice      |
| Cinnamon                 | Strawberry |
| §Coffee or Café or Mocha | Tangerine  |
| Lemon                    | Toffee     |
| Lime                     | Tomato     |
| Maple (Syrup)            | Vanilla    |

### Section 3

The use of the following names indicates the intended use of the biscuit and not the presence of a particular ingredient :—

|               |                |
|---------------|----------------|
| Caviar        | Morning Coffee |
| Champagne     | Olive          |
| Cocktail      | Oyster         |
| Hors D'oeuvre | Sherry         |
| Liqueur       | Tea            |
| Martini       | Wine           |

The same ruling will be applied to the following names, so long as they are used without any qualifications :—

|                 |                  |
|-----------------|------------------|
| Butter Biscuit  | Cheddar Assorted |
| Butter Puff     | Coffee Biscuit   |
| Cheese Assorted | Milk Biscuit     |
| Cheese Biscuit  |                  |

### Section 4

The use of names indicating the shape or design of a biscuit :—

Where the name of a biscuit is intended to indicate its shape, the greatest care should be taken to ensure that the consumer is not misled into thinking that it indicates that the product named is an ingredient of the biscuit (but see Note † in Section 1 regarding the use of the word "Nuts").

### Section 5

Names incorporating the word "Cream" :—

The use of the noun "Cream" in the biscuit trade indicates a biscuit sandwiched with an emulsion of fat and sugar with colour and flavour. The emulsion is made by a process of "creaming" the above ingredients, a term which is common in recipes in cookery books.

§While the word "Coffee" when used to qualify any other name will be regarded as indicating either coffee flavour or coffee ingredient in a recognisable quantity, the use of the unqualified name "Coffee Biscuit" is regarded as a name describing a curved rich biscuit to be used with coffee and containing butter, eggs, milk and sugar.

## APPENDIX E

Examples of the common use of the word "Cream" are as follows :—

Dixie Cream      London Cream      Mayfair Cream

but the word "Cream" may sometimes be used in a rather different form which may mislead the public, e.g.—

|                  |                        |
|------------------|------------------------|
| Clotted Cream    | Jam and Cream          |
| Dairy Cream      | Strawberries and Cream |
| Devonshire Cream |                        |

The use of the word "Cream" should therefore be confined to describing a sandwich biscuit and it should always be used following the name without the conjunction. Furthermore, except in the case of "Cream Cracker" and "Creamy Chocolate," the adjectives "Cream" or "Creamy" should not be used unless fresh dairy cream is an ingredient of the product. The name "Cream Cracker" is recognized as the name describing a particular kind of unsweetened biscuit, rectangular in shape, with a golden outer appearance and a white flaky interior. "Creamy Chocolate" is recognized as the name describing a sandwich biscuit with a white filling, the biscuit portion of which must contain not less than  $2\frac{1}{2}\%$  of fat free cocoa.

### Section 6

Names which infer some special nutritional, dietary, medicinal or health-giving qualities in the biscuit to which they are applied :—

Without prejudice to the general question as to whether the use of the word "Digestive" is merely descriptive or should be regarded as misleading as to the dietary value of the sweet wholemeal biscuit to which it is applied and to facilitate the introduction of an alternative name, these biscuits should, until further notice, be marked, labelled, advertised, invoiced and passed in trade under the description "Digestive (Sweet Meal)." The description "Digestive" must not be applied to any other type of biscuits.

Manufacturers should avoid the use of other names which might infer that the biscuit contained some special nutritional, dietary, medicinal or health-giving qualities unless this can be substantiated.

There are certain names which if used in the proper sense genuinely indicate a particular property which is of nutritional, dietary, medicinal or health value, e.g., "Gluta," "Gluten," "Starch Free," "Starch Reduced," "Less Starch," "Diabetic," "Dietetic," etc. Each of these and similar names will have to be considered on its merits in relation to the product to which it is applied, and manufacturers are advised to consult the Ministry of Food.

### Section 7

Names incorporating the word "Vita" or inferring the presence of Vitamins :

The attention of manufacturers is drawn to the provisions of the Labelling of Food Order, which requires, under Article 5, that : If either in an advertisement or a label of any food—whether that food is prepacked or not—a general or specific claim is made that vitamins and/or minerals are present, a declaration of the actual vitamin and/or mineral content is required.

The use of the word "Vita" unqualified may be regarded as indicating the presence of Vitamins but it is not considered that the use of the word "Vita" in a compound name, such as "Ryvita," "Vita-Weat," "Macvita" and other similar names which have been used mainly, but not entirely, to indicate crisp-breads, suggests the presence of vitamins in these products.

In order to ensure that the terms “ wholemeal ” and “ wheatmeal ” have the same meaning in the milling and baking industries, it has been agreed that :—

1. “ *Wholemeal Bread* ” means bread in the production of which the entire flour content is “ whole wheatmeal,” “ 100 % wheatmeal ” or wholemeal flour (as defined in C.P.7).
2. “ *Wheatmeal Bread* ” means bread in the production of which the entire flour content is either the wheatmeal (as defined in C.P.7) or a blend of flour and wheat meals having an average rate of extraction of not less than 85 %.

## APPENDIX F

### CLAIMS REGARDING VITAMIN AND MINERAL CONTENTS

Where a food advertisement or label claims or suggests that the food concerned contains vitamins or minerals, it must, under the Labelling of Food Order, 1946, disclose the quantity of each of the vitamins or minerals claimed to be present. A mere disclosure of the quantity, however, is not sufficient to prevent the advertisement or label from being misleading within the meaning of Regulation 1 of the Defence (Sale of Food) Regulations, 1943, if statements or suggestions are made in it which imply that the food has a nutritional or dietary value in consequence of the presence of these vitamins or minerals which is in fact not warranted by the quantities present.

A decision as to whether any particular statement is misleading can, of course, be given only in a Court of Law, but to assist traders and, indeed, in response to many requests from traders for guidance in preparing their advertisements and labels, the Ministry of Food has prepared a statement which is intended to indicate the limits of what may reasonably be claimed for a food according to the quantity of vitamins or minerals it contains.

The dietary value of vitamins and minerals obviously depends not only on the amount present in a given quantity of the particular food, but on the amount present in that quantity which a consumer takes in a day. In other words the amount which an average consumer may reasonably be expected to consume daily should contain not merely a significant quantity of the vitamin or mineral in question, but a quantity sufficient in the light of modern nutritional science to justify whatever reference is made to it in the advertisement or on the label.

The statement, which is given below, has been prepared after consideration of recommendations by the Medical Research Council, and the Ministry of Food suggests that it should form a code of practice to ensure that references in advertisements and labels are not misleading.

#### *Suggested Code of Practice in framing Labels and Advertisements*

1. Unless the amount of the food that would ordinarily be consumed in one day contains at least *one-sixth of the daily requirements* of the vitamin or mineral

(a) no claim based on its presence should be made, and

(b) no reference to its presence is justified in any advertisement for the general public, or on any label.

(The inclusion of a mineral salt in the statement of ingredients required by the Labelling of Food Order will not of itself be regarded as implying the presence of a scheduled mineral).

2. Unless the amount of the food that would ordinarily be consumed in one day contains at least *one-half of the daily requirement* of the vitamin or mineral

no claims are justified which imply that the food is a " rich " or " excellent " source of the vitamin or mineral.

3. Unless the amount of the food that would ordinarily be consumed in one day contains at least the *full daily requirement* of the vitamin or mineral

no reference is justified to the value of the food for the prevention or cure of disease due to the lack of the vitamin or mineral present in the food.

4. Claims based on the presence of more than one vitamin or mineral should not be made unless each such vitamin or mineral is present in the proportion necessary to justify the claim.

5. There is no evidence of a deficiency of phosphorus in the ordinary mixed diet of this country. Statements in advertisements or on labels suggesting the contrary or that it is desirable to supplement the dietary phosphorus intake should not be made.

## APPENDIX F

6. The following table, which includes the figures laid down by the Third Session of the Technical Commission on Nutrition, 1937, of the League of Nations Health Organisation, shows the normal daily requirement of the vitamins and minerals scheduled in the Labelling of Food Order :—

|                  |     |     |            |            |     |     |            |
|------------------|-----|-----|------------|------------|-----|-----|------------|
| Vitamin A        | ... | ... | 3,000 I.U. | Calcium    | ... | ... | 0.75 gram. |
| „ B <sub>1</sub> | ... | ... | 300 I.U.   | Iodine     | ... | ... | 0.1 mg.    |
| „ B <sub>2</sub> | ... | ... | 1.8 mg.    | Iron       | ... | ... | 10.0 mg.   |
| Nicotinic Acid   | ... | ... | 12.0 mg.   | Phosphorus | ... | ... | 0.75 gram. |
| Vitamin C        | ... | ... | 30.0 mg.   |            |     |     |            |
| „ D              | ... | ... | 500 I.U.   |            |     |     |            |

The statement refers to the foods commonly consumed by normal healthy adults and may not in all cases be applicable to foods used for special purposes.

# APPENDIX G1

## Review of Food Standards and Proposals for Standards

| Foods for which statutory standards have been prescribed in Food Standards Orders.                                                                                  | Foods for which temporary standards have been prescribed in Control Orders                                                                                                                                                                                                                  | Foods for which temporary standards have been prescribed as conditions of manufacturing licences.                                                                                                       | Foods for which proposals for standards or definitions have been rejected | Proposals for statutory standards for the following foods are at various stages of consideration.                                                                           | Foods for which it has been suggested that statutory standards should be considered.                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                                                                                 | (2)                                                                                                                                                                                                                                                                                         | (3)                                                                                                                                                                                                     | (4)                                                                       | (5)                                                                                                                                                                         | (6)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Mustard.<br>Self-Raising Flour.<br>Shredded Suet.<br>Baking Powder and Golden Raising Powder.<br>Preserves.<br>Liquid Coffee Essences.<br>Salad Cream & Mayonnaise. | Christmas Puddings.<br>Coffee Mixtures.<br>Dripping.<br>Fish Cakes.<br>Home-produced Canned Fruit & Vegetables.<br>Edible Gelatine.<br>Meat & Fish Pastes.<br>Uncooked Pastry.<br>Rye Bread.<br>Saccharin & Sweetening Tablets.<br>Sausages & Meat Products.<br>Soft Drinks.<br>Soya Flour. | Blancmange Powder and Custard Powder.<br>Flour Mixtures.<br>Fruit Curd.<br>Horseradish Sauce & Cream.<br>Mincemeat.<br>Stuffings.<br>Table Jellies & Compounds.<br>Malt Vinegar.<br>Non-Brewed Vinegar. | Glutenized Bread.                                                         | Table Jellies.<br>Tomato Ketchup.<br>Soft Drinks.<br>Processed Cheese.<br>Curry Powder.<br>Apple Juice.<br>Ice Cream.<br>*Preserves.<br>Dressed Crab.<br>Salt (Iodisation). | Cheese.<br>Edible Gelatine.<br>Meat Pies.<br>Meat Paste.<br>Fish Paste.<br>Fish Cakes.<br>Chocolate Spread.<br>Chocolate Powder.<br>Drinking Chocolate.<br>Cocoa Powder.<br>Margarine.<br>Compound Cooking Fat.<br>Malt Vinegar.<br>Non-Brewed Vinegar.<br>Horseradish Cream.<br>Malted Milk.<br>Bakery Emulsions.<br>Egg & Milk Substitutes.<br>*Coffee Essences and Extracts.<br>Bun Flour.<br>Cake and Pudding Mixtures.<br>Christmas Puddings.<br>*Mincemeat.<br>*Fruit Curd.<br>Stuffings (Sage, Onion, Thyme, Parsley). |

## APPENDIX GII

# Abstracts of Standards in Commodity Control Orders

- S.R. & O. 1943, No. 1318, as amended by S.R. & O. 1946, No. 1265. **Christmas Puddings**  
Shall contain not less than 9 per cent. of oils and fats and not less than 36 per cent. of sugar.
- S.R. & O. 1946, No. 132. **Coffee Mixtures**  
Shall contain at least 51 per cent. by weight of pure coffee.
- S.R. & O. 1946, No. 2042. **Dripping**  
Shall contain not less than 99 per cent. saponifiable matter and not more than 1·5 per cent. free fatty acids.
- S.R. & O. 1943, No. 1593, as amended by S.R. & O. 1944, No. 1278. **Fish Cakes**  
Shall have a fish content of not less than 35 per cent. by weight.
- S.R. & Os. 1946, No. 1724, as amended by S.I. 1948, No. 397, 1884. **Home-produced Canned Fruit and Vegetables :**

### **Canned Fruit**

All fruit other than apples or cherries and other than fruit packed in an A10 can shall be packed in syrup of not less than 39 degrees Brix.

Fruit (other than apples) packed in an A10 can shall be packed either—

(a) in syrup of not more than 17·5 degrees Brix and not less than 14 degrees Brix in cans clearly and legibly labelled "Packed in light syrup" ; or (b) in water, in cans clearly and legibly labelled "Water pack".

Apples (other than solid pack apples and apple puree) shall be packed in syrup of not more than 17·5 degrees Brix and not less than 14 degrees Brix in cans clearly and legibly labelled "Packed in light syrup".

Cherries (other than cherries packed in an A10 can) shall be packed in syrup of not less than 32 degrees Brix.

### **Canned Peas**

Peas shall be packed in liquid containing not less than 2·3 per cent. by weight of cane or beet sugar and not less than 1·25 per cent. and not more than 2·5 per cent. by weight of salt.

### **Spinach Puree**

Spinach puree shall contain not less than 0·1 per cent. and not more than 0·6 per cent. of salt when expressed as a percentage of the canned product.

### **Macedoine**

Macedoine shall be packed in a brine containing not less than 1.25 per cent. or more than 2.5 per cent. by weight of salt and shall contain the following vegetables in the following proportions :—

|                       |   |                                                                      |    |   |   |   |    |
|-----------------------|---|----------------------------------------------------------------------|----|---|---|---|----|
| Carrots (diced)       | } | not less than 25 per cent. and not more than 45 per cent. by weight. |    |   |   |   |    |
| Turnips (diced) or    |   | "                                                                    | 10 | " | " | " | 35 |
| Swedes (diced)        |   | "                                                                    | "  | " | " | " | "  |
| Peas, fresh or soaked | } | "                                                                    | 15 | " | " | " | 36 |
|                       |   | "                                                                    | "  | " | " | " | "  |

Macedoine may also contain any of the following vegetables, and if present they shall comply with the following proportions :—

|                                   |                                                                      |    |   |   |   |    |
|-----------------------------------|----------------------------------------------------------------------|----|---|---|---|----|
| Beans (soaked, white or flagelot) | not less than 10 per cent. and not more than 20 per cent. by weight. |    |   |   |   |    |
| Potatoes (diced)                  | "                                                                    | 10 | " | " | " | 35 |
| Stringless beans                  | "                                                                    | 10 | " | " | " | 20 |
| Celery                            | "                                                                    | 4  | " | " | " | 8  |

Macedoine shall not contain any vegetables other than those specified above.

### **Beans in Tomato Sauce**

Beans in tomato sauce shall be of the pea or haricot type, boiled, or steamed, or steamed and oven-baked. Apart from sugar, flour, spices and other seasonings, the sauce shall be prepared only from tomatoes or tomato products. The canned product shall contain not less than 5 per cent. of sugar by weight (expressed as invert sugar) and not less than 28 per cent. solid matter when dried for 16 hours at 98° centigrade.

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### Canned Vegetables

Except in the case of peas, spinach puree, macedoine and beans in tomato sauce, all vegetables shall be packed in a brine containing not less than 1·25 per cent. and not more than 2·5 per cent. by weight of salt.

Except in the case of butter beans, haricot beans, stringless or runner beans, peas and spinach, no colouring matter shall be added.

S.I. 1948, No. 2460.

### Edible Gelatine

"Edible Gelatine" means the clean, wholesome protein which—

- (a) is obtained by extraction from collagenous material ;
- (b) is free from objectionable taste and offensive odour when in a warm five-per-cent. aqueous solution ;
- (c) contains, when air-dried, not more than 3·25 per cent. by weight of mineral matter ; and
- (d) contains, when air-dried, in each million parts by weight not more than 1·4 parts by weight of arsenic (expressed as arsenious oxide— $As_2O_3$ ), 10 parts by weight of lead, 30 parts by weight of copper or 100 parts by weight of zinc.

S.I. 1948, No. 1509.

### Meat and Fish Pastes

The meat content of meat paste must be not less than 55 per cent.

The fish content of fish paste must be not less than 70 per cent.: provided that in any proceedings in which a person is charged with an infringement the Court may disregard any variation—

- (1) in the prescribed meat content of any meat paste, if the meat content thereof is not less than 50 per cent.; and
- (2) in the prescribed fish content of any fish paste, if the fish content thereof is not less than 65 per cent.

S.R. & O. 1946, No. 418.

### Uncooked Pastry

Uncooked pastry must contain not less than 25 per cent. of oils and fats. This restriction does not apply to institutions and certain catering establishments.

S.R. & O. 1947, No. 1867.

### Rye Bread

"Rye Bread" means bread in the production of which at least 25 per cent. of the flour used is rye flour and/or rye meal.

S.I. 1949, No. 945.

### Saccharin and Sweetening Tablets

"Standard saccharin tablet" means a tablet which—

- (i) weighs not more than 1·1 grains, and
- (ii) contains not more than 5 per cent. by weight of water-insoluble matter and not less than 0·18 of a grain and not more than 0·22 of a grain of saccharin mixed with sufficient sodium bicarbonate to render the saccharin soluble with or without other excipients, or an equivalent amount of soluble saccharin with the addition of sodium bicarbonate or other excipients.

"Sweetening tablet" means a tablet which—

- (i) weighs not more than 0·9 of a grain, and
- (ii) contains not less than 0·081 of a grain and not more than 0·099 of a grain of saccharin and not less than 0·054 of a grain and not more than 0·066 of a grain of dulcin mixed with sufficient sodium bicarbonate to render the tablet soluble with or without other excipients.

S.I. 1948, No. 1509.

### Sausages, Meat Roll, Galantine

| <i>Description.</i>                                                                                        | <i>Minimum Meat Content.</i>                                        |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Pork sausages, pork sausage meat, pork slicing sausage.                                                    | 50 per cent., of which at least 80 per cent. shall consist of pork. |
| Beef sausages, beef sausage meat, beef slicing sausage.                                                    | 50 per cent.                                                        |
| Cooked sausages of the following descriptions :—<br>luncheon sausage,<br>breakfast sausage,<br>and polony. | 30 per cent.                                                        |
| Meat roll or galantine                                                                                     |                                                                     |
| Liver sausage                                                                                              | 45 per cent.                                                        |

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In any proceedings in which a person is charged with an infringement of this Article the Court may disregard any variation in the prescribed minimum meat content of beef sausages, pork sausages, beef sausage meat, pork sausage meat, beef slicing sausage, and pork slicing sausage, if the meat content thereof is not less than  $47\frac{1}{2}$  per cent.; provided also that any fat of vegetable origin used in the manufacture of beef sausages, beef sausage meat, or beef slicing sausage shall be deemed to be meat for the purpose of assessing the meat content of any of those products, if the total quantity of such fat so used does not exceed 25 per cent. of the prescribed minimum meat content of the product.

S.R. & O. 1947, No. 2756, **Soft Drinks**  
as amended by S.I. 1948,  
No. 1291.

*(Soft drinks suitable for consumption without dilution)*

| Column 1                                                                  | Column 2                                                                                                        | Column 3                                       | Column 4                                     |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------|
| Description of soft drink                                                 | Minimum quantity of fruit juice (expressed in terms of unconcentrated juice of natural strength) per 10 gallons | Minimum quantity of added sugar per 10 gallons | Maximum quantity of saccharin per 10 gallons |
| Non-alcoholic cider and non-alcoholic perry ...                           | 120 fluid oz.                                                                                                   | 18 oz.                                         | 82 grains                                    |
| Lemon Barley ... ..                                                       | 48 fluid oz.                                                                                                    | 18 oz.                                         | 82 grains                                    |
| Any other soft drink containing fruit juice ...                           | 80 fluid oz.                                                                                                    | 18 oz.                                         | 82 grains                                    |
| Non-alcoholic wine ...                                                    | —                                                                                                               | $7\frac{1}{2}$ lbs.                            | No maximum                                   |
| Indian or quinine tonic-water ... ..                                      | —                                                                                                               | 18 oz.                                         | 82 grains                                    |
|                                                                           | Not less than $\frac{1}{2}$ grain of quinine (calculated as quinine sulphate B.P.) per pint.                    |                                                |                                              |
| Soda-water ... ..                                                         | Not less than 5 grains of sodium bicarbonate per pint.                                                          |                                                |                                              |
| Any other soft drink (except those mentioned in Part II of this Schedule) | —                                                                                                               | 18 oz.                                         | 82 grains                                    |

*(Soft drinks intended for consumption after dilution)*

| Column 1                                                                             | Column 2                                                                                                        | Column 3                                       | Column 4                                     |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------|
| Description of soft drink                                                            | Minimum quantity of fruit juice (expressed in terms of unconcentrated juice of natural strength) per 10 gallons | Minimum quantity of added sugar per 10 gallons | Maximum quantity of saccharin per 10 gallons |
| Lemon Barley ... ..                                                                  | $1\frac{1}{2}$ gallons                                                                                          | $7\frac{1}{2}$ lbs.                            | $\frac{7}{8}$ oz.                            |
| Any other squash, crush, cordial or concentrate containing citrus fruit juice ... .. | $2\frac{1}{2}$ gallons                                                                                          | $7\frac{1}{2}$ lbs.                            | $\frac{7}{8}$ oz.                            |

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| Column 1                                                                   | Column 2 | Column 3 | Column 4 |
|----------------------------------------------------------------------------|----------|----------|----------|
| Any squash, crush, cordial or concentrate containing any other fruit juice | 1 gallon | 7½ lbs.  | 7 oz.    |
| Any other soft drink (except those mentioned in Part I of this Schedule)   | —        | 7½ lbs.  | 7 oz.    |

S.R. & O. 1946, No. 1344.

### **Soya Flour**

“Soya flour” means flour (containing more than 9 per cent of fat) produced by milling soya beans but does not include any soya bean by-products.

## Abstracts of Standards Applied by Manufacturing Licences

The Orders listed are those under which licences are issued.

**S.R. & O. 1944, No. 297. Blancmange Powder Custard Powder**

|                              |         |
|------------------------------|---------|
| Maize Cornflour              | 50%     |
| Farina                       | 20%     |
| White Canadian wheaten flour | 30%     |
| Flavouring                   | a trace |
| Colour                       |         |

*Note:* To allow for the inclusion of cocoa powder in Chocolate Blancmange Powder, the above quantities are suitably adjusted.

**S.R. & O. 1942, No. 1863. Flour Mixtures**

Sweetened Sponge & Sponge Cake Mixtures must contain not less than 40% sugar.

|   |                       |   |   |     |   |
|---|-----------------------|---|---|-----|---|
| " | Cake & Sponge Pudding | " | " | 30% | " |
| " | Pudding Mixture       | " | " | 20% | " |
| " | Scone                 | " | " | 5%  | " |

Chocolate Sponge, Cake & Pudding Mixtures " " 10% cocoa.

**S.R. & O. 1947, No. 1515. Fruit Curd**

Each 100 lbs. shall contain not less than 4 lbs. of fat, 0.33 lb. of citric acid, 0.125 lb. of oil of lemon (or 0.25 lb. of oil of orange) 1 lb. of sprayed dried whole egg (or 4½ lbs. of shell eggs or 1½ lbs. of sugar dried whole egg or 3¾ lbs. liquid frozen whole egg).

*Note:*—The above is without prejudice to the provision of the Food Standards (Preserves) Order, 1944, which provides that fruit curd shall contain not less than 65 per cent. of soluble solids.

**S.R. & O. 1947, No. 876. Horseradish Sauce**

The product must contain not less than 25 per cent. by weight of horseradish root or its equivalent in dehydrated horseradish root and essential oil of horseradish root.

*Note:*—Horseradish cream is required to conform to the horseradish content of the sauce and to the oil and egg yolk solids content prescribed in the Food Standards (Salad Cream & Mayonnaise) Order (See Appendix H).

**S.R. & O. 1947, No. 1515. Mincemeat**

Each 100 lbs. shall contain not more than 0.5 lb. of acetic acid (80 per cent. or glacial) ; and not less than—

- 30 lbs. of added sugar,
- 30 lbs. of dried fruit and peel, and
- 2.5 lbs. of suet or equivalent fat.

*Note:*—The above is without prejudice to the provision of the Food Standards (Preserves) Order, 1944, whereby it is provided that mincemeat shall contain not less than 65 per cent. of soluble solids.

**S.R. & O. 1942, No. 1863. Table Jellies and Compounds**

Table jelly tablets shall—

- (a) consist of sugar, gelatine or other jelly-forming material (other than farinaceous products) with other ingredients (not being farinaceous products) to form a tablet which, when made up with water, produces a jelly table sweet complying with the prescribed setting test.
- (b) The soluble solids content must be not less than 72 per cent. by weight.
- (c) The sugar content must be not less than 63 per cent.

Table jelly crystals shall—

- (a) consist of sugar and gelatine or other jelly-forming material (other than farinaceous products) with or without other ingredients (not being farinaceous products) to form crystals which, when made up with water, produce a jelly table sweet complying with the prescribed setting test.

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(b) The sugar content must be not less than 84 per cent.  
Table jelly compounds shall—

- (a) consist of sugar and gelatine or other jelly-forming material with other ingredients to form a product which when made up with milk, produces a jelly table sweet complying with the prescribed setting test.
- (b) The sugar content must be not less than 50 per cent.
- (c) The starch content, if any, must not exceed 20 per cent. by weight.

*Note* :—Prescribed setting test—

If the product is pre-packed, 6 one-pint packages thereof, or, if the product be not pre-packed, 22½ oz. thereof in the case of crystals, shall be made into a jelly or jelly compound (as the case may be) by the addition of water in the case of table jelly tablets or crystals, or of milk in the case of table jelly compounds (in either case at approximately 88° C.), the total volume to amount to 6 pints. 85 mls. of the solution shall be immediately introduced into each of six beakers of approximately 5 cm. internal diameter and the beakers cooled for 18 hours in a water bath maintained at 16 °C.  $\pm$  1° C. At the end of this period the jellies shall be turned out on to a plate or dish by the following method.—Each beaker shall be immersed in a water bath at approximately 50° C. for 8 seconds. Upon removal each beaker shall be immediately dried and the contents transferred to a plate or dish by inversion of the beaker. If not less than four out of the six jellies or jelly compounds shall retain for 30 minutes the general shape of the beaker and shall not at the end of such period have collapsed or split so as to alter their shape, then the setting test shall be deemed to have been satisfied.

### Definitions :

- (a) "Percentage of soluble solids" means, with respect to any product, the percentage of soluble solids ascertained at 20° C. by means of a refractometer on the sucrose scale, no correction being made for insoluble solids.
- (b) The percentage of sugar in any product shall be determined by adding the percentage by weight of sucrose to the percentage by weight of the total reducing sugars expressed in terms of dextrose.

S.R. & O. 1942, No. 1863.

### Stuffings

"Sage and Onion Stuffing" must contain not less than 2 per cent. sage and 3 per cent. dried onion, and "Parsley and Thyme Stuffing" not less than 2 per cent. thyme.

S.R. & O. 1942, No. 1863.

### Malt Vinegar

Must contain not less than 4 per cent. (W/V) of acetic acid.

S.R. & O. 1942, No. 1863.

### Non-brewed Vinegar

Must contain not less than 4 per cent. (W/V) of acetic acid.

## APPENDIX H

# The Food Standards (General Provisions) Order 1944

*S.R. & O. 1944, No. 42 as amended by S.R. & O. 1944, No. 654.*

1.—(1) Where the Minister pursuant to Regulation 2 of the Defence (Sale of Food) Regulations, 1943, shall have prescribed a standard for regulating the composition of any kind of food, no person shall sell or offer or expose for sale (if such standard is in force in respect of such a sale) any food under such a description as to lead an intending purchaser to believe he is purchasing that kind of food, unless the food complies with such standard.

(2) Where a person sells food to a purchaser in response to a request for food of a kind for which a standard is so prescribed, he shall be deemed to sell food of that kind and under such a description as is specified in the last preceding paragraph unless he clearly notifies the purchaser at the time of sale that the food is not of that kind.

2. Article 1 of this Order shall not apply to the sale or offering or exposing for sale—

- (a) of any food to any Department of His Majesty's Government ;
- (b) of food imported into the United Kingdom the property in which was at the time of its importation vested in, or which was at that time consigned directly to, His Majesty or a Department of His Majesty's Government or a person acting as agent for His Majesty or for a Department of His Majesty's Government, in connection with any of the purposes specified in sub-section (1) of section one of the Emergency Powers (Defence) Act, 1939.

\* \* \* \*

### STANDARDS ORDERS.

*Pursuant to Regulation 2 of the Defence (Sale of Food) Regulations, 1943, the Minister has prescribed the following standards :—*

S.R. & O. 1944, No. 45.

#### **Shredded Suet**

Not less than 83 per cent. by weight of the shredded suet shall consist of fat.

S.R. & O. 1944, No. 46.

#### **Baking Powder**

#### **Golden Raising Powder**

1. Baking powder shall yield not less than 8 per cent. of available carbon dioxide and not more than 1·5 per cent. of residual carbon dioxide, the available carbon dioxide and the residual carbon dioxide being determined in the manner specified in paragraph 3 of this Schedule.

2. Golden raising powder shall yield not less than 6 per cent. of available carbon dioxide and not more than 1·5 per cent. of residual carbon dioxide, the available carbon dioxide and the residual carbon dioxide being ascertained in the manner specified in paragraph 3 of this Schedule.

3.—(1) The residual carbon dioxide shall be determined in the following manner :—

A sample of 2 grammes of baking powder or golden raising powder, as the case may be, shall be treated with 25 millilitres of water and evaporated to dryness on a boiling water bath and subsequently treated with a further 25 millilitres of water and evaporated in like manner. The residual carbon dioxide is the weight thereof evolved when the sample so treated is further treated with excess of dilute sulphuric acid at room temperature, the evolution being completed either by boiling or by means of reduced pressure.

(2) The available carbon dioxide shall be determined by ascertaining the difference between the total carbon dioxide and the residual carbon dioxide ; and the total carbon dioxide

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shall be determined by ascertaining the weight thereof evolved when the baking powder or golden raising powder, as the case may be, is treated with excess of dilute sulphuric acid at room temperature, the evolution being completed either by boiling for five minutes or by means of reduced pressure.

S.R. & O. 1944, No. 275.

### Mustard

Mustard, compound mustard or mustard condiment shall be of such composition as to yield not less than 0.35 per cent. of allyl, isothiocyanate after maceration with water for two hours at 37° centigrade and shall consist of a blend of brown and white mustard flours with or without amylaceous flours and/or spices : provided that the proportions of amylaceous flours and spices (if any) shall not together exceed 20 per cent. by weight.

S.R. & O. 1944, No. 842 as amended by S.R. & O. 1946, No. 1221.

### Preserves

#### PART I

1. The standards for jam and marmalade shall be as follows :
  - (i) All jam shall be either fresh fruit standard jam or full fruit standard jam.
  - (ii) All marmalade shall be either fresh fruit standard marmalade, full fruit standard marmalade, or special standard marmalade.
2. The standard for fruit curd (including fruit flavour curd) and mincemeat shall, as respects soluble solids, be as follows, that is to say :—

The percentage of soluble solids contained therein shall be not less than 65 per cent.
3. " Fresh fruit standard jam " and " fresh fruit standard marmalade " shall be respectively jam and marmalade—
  - (i) of which the percentage of soluble solids is not less than 68½ per cent. ;
  - (ii) of which the fruit or vegetable content—
    - (a) is in accordance with the scale set out in Part II of this Schedule ;
    - (b) consists of fresh fruit or vegetables only ; and
  - (iii) which does not contain any added colouring matter or any added preservative other than sugar.
4. " Full fruit standard jam " and " full fruit standard marmalade " shall be respectively jam and marmalade—
  - (i) of which the percentage of soluble solids is not less than 68½ per cent. ; and
  - (ii) of which the fruit or vegetable content is in accordance with the scale set out in Part II of this Schedule.
5. " Special standard marmalade " shall be marmalade—
  - (i) of which the percentage of soluble solids is not less than 68½ per cent. ; and
  - (ii) which is either—
    - (a) jelly marmalade of which the fruit content is not less than 20 per cent., or
    - (b) coarse cut marmalade of which the fruit content is not less than 30 per cent., or
    - (c) grapefruit marmalade of which the fruit content is not less than 25 per cent.

6.—(a) " Fruit or vegetable content " means with respect to any jam or marmalade the total quantity of fruit or vegetables of the variety or varieties used in the manufacture of the jam or marmalade, being where such variety or varieties are specified in the description thereof in the first column of Part II of this Schedule the total quantity of fruit or vegetables so specified. The said quantity is the total quantity of fresh fruit or vegetables used in the manufacture of the jam or marmalade or in the case where fruit or vegetable pulp is used the quantity of fruit or vegetables used in the manufacture of the pulp (no account being taken of fruit juice or fruit or vegetable pectin), expressed as a percentage based on the number of pounds of fresh fruit or vegetables required to be used in making 100 lb. of finished jam or marmalade ; and the expression " fruit content " shall be construed accordingly ;

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(b) "Percentage of soluble solids" means with respect to any product the percentage by weight of soluble solids ascertained by means of a refractometer when the product is cold, no correction being made for insoluble solids.

*Note* :—The standards for jam and marmalade apply only to jam and marmalade manufactured in the United Kingdom.

### PART II MINIMUM FRUIT CONTENT

| First Column                                                                        | Second Column                           |
|-------------------------------------------------------------------------------------|-----------------------------------------|
| Description of Jam or Marmalade<br>(Fresh Fruit Standard<br>or Full Fruit Standard) | Percentage of<br>Fruit or<br>Vegetables |
| <i>A. Jam</i>                                                                       |                                         |
| Apple and Blackberry ... ..                                                         | 40 (30/10)                              |
| Apple and Blackcurrant ... ..                                                       |                                         |
| Apple and Damson ... ..                                                             |                                         |
| Apple and Plum ... ..                                                               |                                         |
| Apple and Raspberry and/or Loganberry...                                            |                                         |
| Apple and Strawberry ... ..                                                         | 40                                      |
| Apply Jelly ... ..                                                                  | 40                                      |
| Apricot ... ..                                                                      | 40 (20/20)                              |
| Apricot and Peach ... ..                                                            | 40                                      |
| Bilberry ... ..                                                                     | 38                                      |
| Blackberry (or Bramble) and Blackberry<br>(or Bramble) Seedless or Jelly ... ..     | 20                                      |
| Blackcurrant and Blackcurrant Jelly ...                                             | 40                                      |
| Cherry ... ..                                                                       | 38                                      |
| Damson and Damson Jelly ... ..                                                      | 40                                      |
| Elderberry Jelly and Elderberry Seedless ...                                        | 30                                      |
| Gooseberry ... ..                                                                   | 38                                      |
| Greengage ... ..                                                                    | 20                                      |
| Loganberry ... ..                                                                   | 40                                      |
| Peach and Mixtures of Peach with Citrus<br>Fruit ... ..                             | 40                                      |
| Pineapple ... ..                                                                    | 40                                      |
| Plum and Plum Jelly ... ..                                                          | 40 (30/10)                              |
| Plum and Blackcurrant ... ..                                                        | 40 (30/10)                              |
| Plum and Raspberry ... ..                                                           | 40 (30/10)                              |
| Plum and Strawberry ... ..                                                          | 40                                      |
| Quince Jelly ... ..                                                                 | 20                                      |
| Raspberry and Raspberry Seedless or Jelly                                           | 25 (10/15)                              |
| Raspberry and Gooseberry... ..                                                      | 20 (10/10)                              |
| Raspberry and Redcurrant ... ..                                                     | 20                                      |
| Redcurrant Jelly ... ..                                                             | 40                                      |
| Rhubarb ... ..                                                                      | 40 (30/10)                              |
| Rhubarb and Blackberry ... ..                                                       | 40 (30/10)                              |
| Rhubarb and Raspberry ... ..                                                        | 30                                      |
| Strawberry ... ..                                                                   | 30 (15/15)                              |
| Strawberry and Gooseberry ... ..                                                    | 40                                      |
| All other jams ... ..                                                               | 20                                      |
| <i>B. Marmalade*</i> ... ..                                                         |                                         |

*Note* :—Where figures in brackets are specified in the second column above in respect of a description of jam containing more than one variety of fruit or vegetables the first figure denotes the content of the variety of fruit or vegetables first mentioned in such description, and the second figure denotes the total content of the other varieties of fruit or vegetables mentioned in such description.

\*For special standard marmalade see paragraph 5 of Part I of this Schedule.

## APPENDIX H

S.R. & O. 1945, No. 389

### Liquid Coffee Essences

1. The standard for liquid coffee essence or extract shall be as follows :—

- (a) The product shall contain not less than 0·5 per cent. weight in volume of caffeine derived from coffee :

Provided that in any proceedings a product shall be deemed to comply with the requirements of the foregoing sub-paragraph if the defendant proves that not less than 4 lb. of roasted coffee was used in the preparation of each gallon of the product.

- (b) The product shall not contain extractives from any roasted vegetable matter other than coffee.

2. The standard for liquid coffee and chicory essence or extract shall be as follows :—

- (a) The product shall contain not less than 0·25 per cent. weight in volume of caffeine derived from coffee :

Provided that in any proceedings a product shall be deemed to comply with the requirements of the foregoing sub-paragraph if the defendant proves that not less than 2 lb. of roasted coffee was used in the preparation of each gallon of the product.

- (b) The product shall not contain extractives from any roasted vegetable matter other than coffee or chicory.

S.R. & O. 1945, No. 1177.

### Salad Cream, Mayonnaise and any other Salad Dressing

The product shall contain not less than 25 per cent. by weight of edible vegetable oil and not less than 1·35 per cent. by weight of egg yolk solids.

This standard does not apply to any product sold under a description other than salad cream or mayonnaise :—

- (1) Where the product is sold by a caterer as part of a meal served in the course of his catering business ; or
- (2) Where the product is sold with a label attached to or marked on the wrapper or container, bearing the statement : “ This product is not a salad cream or mayonnaise and does not comply with the statutory standard prescribed for those products ”, such statement to be clearly legible, to appear conspicuously and in a prominent position on the label, and in the event of the food being sold with more than one label describing the food, to be repeated on each such label.

S.R. & O. 1946, No. 157.

### Self-Raising Flour

1. Self-raising flour shall yield not less than 0·40 per cent. of available carbon dioxide, the available carbon dioxide being determined in the manner specified in paragraph 2 of this Schedule.

2. The available carbon dioxide shall be determined by ascertaining the difference between the total carbon dioxide and the residual carbon dioxide ; and the total carbon dioxide and the residual carbon dioxide shall respectively be determined in the following manner :—

- (a) *Total Carbon Dioxide* : Shall be determined by ascertaining the weight thereof evolved when the self-raising flour is treated with excess of dilute sulphuric acid, the evolution being completed either by boiling for five minutes or by means of reduced pressure.
- (b) *Residual Carbon Dioxide* : Shall be determined by taking not less than five grams of the self-raising flour, which shall be mixed to a smooth paste with distilled water, and a further quantity of distilled water amounting in all to not less than twenty times the weight of the flour shall then be incorporated. The liquid shall be heated in a boiling water bath for thirty minutes, being vigorously stirred for the first five minutes and thereafter for approximately half a minute at intervals of approximately five

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minutes. The liquid shall forthwith be boiled for three minutes, being vigorously stirred during the whole of such period, and then transferred to an apparatus for determining carbon dioxide, through which carbon dioxide-free air shall be passed for not less than ten minutes. The residual carbon dioxide is the weight thereof evolved when the self-raising flour so treated is further treated with excess of dilute sulphuric acid, the evolution being completed either by boiling for five minutes or by means of reduced pressure.

APPENDIX I  
The Dried Egg (Control of Use) Order, 1945  
S.R. & O. 1945, No. 627.

*Interpretation*

1. In this Order—

“Dried egg” includes dried whole egg and separated yolks in dried form, but does not include separated albumen in dried form.

“Ice-cream” includes water ices and any article, whether frozen or chilled and under whatever description it is sold, which is sufficiently similar to ice-cream as to constitute a substitute for ice-cream.

“Sell” includes offer or agree to sell or expose for sale, “buy” includes offer or agree to buy and “supply” includes offer or agree to supply.

“Specified food” means any food specified in the Schedule hereto.

“Synthetic cream” means any substance used as a substitute for cream.

*Control of use of dried egg in specified foods*

2. Except under and in accordance with the terms of a licence granted for the purposes of this Article by or on behalf of the Minister, no person shall by way of trade or business use in the manufacture of any specified food any product consisting wholly or partly of dried egg.

*Prohibition of sale or supply of wet mix for use in specified foods*

3. Except under and in accordance with the terms of a licence granted for the purposes of this Article by or on behalf of the Minister, no person shall by way of trade or business sell or supply any product which he has reason to believe is intended for use in the manufacture of any specified food if the product (i) contains dried egg and (ii) is not in dry form.

*Control of sale or supply of dry mix for use in specified foods*

4. No person shall by way of trade or business sell or supply any product in dry form, consisting of dried egg mixed with any other article,

(a) where the product purports to be suitable for the manufacture of any specified food ; or

(b) where that person has reason to believe that the product is intended for use in the manufacture of any specified food,

unless there appears by means of a label or otherwise on the packet or container in which the product is contained a declaration in the following form (duly completed by inserting at (a) the name of the specified food concerned) :—

“This product contains dried egg and may not be used in the manufacture of (a) except by a person licensed for that purpose by the Minister of Food and in accordance with the conditions prescribed by that licence.”

The said declaration shall be clearly legible and shall appear conspicuously and in a prominent position on the packet or container and if the product is wrapped in more than one wrapper or container, it shall be marked on or attached to the innermost wrapper or container (other than a “liner”) and if it is not clearly legible through the outermost wrapper or container (other than a wrapper or container in which the product is packed with other articles) the said declaration shall be marked on the outermost wrapper or container. For the purposes of this provision a “liner” means a plain immediate wrapping which under ordinary conditions of use would not be removed from the next outer wrapper or container.

\* \* \* \* \*

THE SCHEDULE.

LIST OF SPECIFIED FOODS

Ice Cream

Synthetic Cream

Baker's Cream Filling

# APPENDIX J

## The Fluorine in Food Order, 1947

S.R. & O. 1947, No. 1134.

\* \* \* \*

2. No person shall manufacture for sale or sell any article of food specified in Column 1 of the Schedule to this Order which contains fluorine in a proportion by weight exceeding that specified in relation thereto in Column 2 of the said Schedule :

Provided that this Article shall apply in relation to calcium acid phosphate, sodium acid pyrophosphate and any other acidic phosphate only where the seller has reason to believe that it is intended for use in the composition or preparation of food.

\* \* \* \*

9. Proceedings in England and Northern Ireland for an infringement of this Order may be brought by the Food and Drugs Authority without the consent of the Minister.

\* \* \* \*

### THE SCHEDULE

| Column 1                                                                                                                                                                                                                 | Column 2                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article of Food                                                                                                                                                                                                          | Fluorine Content                                                                                                                                                                                                                                                                  |
| 1. Calcium acid phosphate, sodium acid pyrophosphate or any other acidic phosphate.                                                                                                                                      | 300 parts per million.                                                                                                                                                                                                                                                            |
| 2. Any article of food (not included in items 3 and 4 below), containing calcium acid phosphate, sodium acid pyrophosphate or any other acidic phosphate and intended for use in the composition or preparation of food. | 300 parts per million parts of the calcium acid phosphate, sodium acid pyrophosphate or other acidic phosphate present.                                                                                                                                                           |
| 3. Baking powders, including golden raising powder.                                                                                                                                                                      | (a) 100 parts per million parts of the article of food where such article yields less than 15 per cent. of available carbon dioxide ;<br>(b) 133 parts per million parts of the article of food where such article yields not less than 15 per cent. of available carbon dioxide. |
| 4. Self-raising flour or any similar mixture (not included in item 3 above) containing a farinaceous substance and an acidic phosphate.                                                                                  | 8 parts per million parts of the article of food.                                                                                                                                                                                                                                 |

## APPENDIX K

# The Mineral Oil in Food Order, 1949

*S.I. 1949, No. 614.*

**1. In this Order—**

“Mineral oil” means any hydrocarbon product, whether liquid, semi-liquid or solid, derived from any substance of mineral origin and includes liquid paraffins, white oils, petroleum jellies and hard paraffins.

**2. (1) Subject as hereinafter provided—**

- (a) no person shall use or permit to be used any mineral oil in the composition or preparation of any article of food intended for sale or sold for human consumption.
- (b) no person shall sell or have in his possession for sale for human consumption any article of food containing any mineral oil.

(2) Nothing in this Article shall apply where the mineral oil contained in any article of food—

- (a) does not exceed 0.2 parts by weight of mineral oil per 100 parts by weight of the article of food, and
- (b) is due not to its inclusion as an ingredient in the article of food but to its use as a lubricant or greasing agent on some surface with which the article of food has necessarily to come into contact in the course of its preparation.

**9. Proceedings in England and Northern Ireland for an infringement of this Order may be brought by the Food and Drugs Authority without the consent of the Minister.**

## AUTHORITIES FROM WHOM APPLICATIONS FOR THE MINISTER'S CONSENT WERE RECEIVED

SUMMARY OF APPLICATIONS FOR THE MINISTER'S CONSENT  
TO THE INSTITUTION OF PROCEEDINGS UNDER THE DEFENCE  
(Sale of Food) REGULATIONS, 1943. YEARS 1944—1948 (inclusive).

*Notes :—A—Offences against Labelling Order.*

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# MINISTRY OF FOOD

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- No. 29. The Marketing of Sheep, Mutton and Lamb in England and Wales (1931). 6d. (8d.).
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- No. 37. Report of the Re-organization Commission for Pigs and Pig Products (1932). 6d. (8d.).
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- No. 42. Eggs and Poultry. Report of the Re-organization Commission for England and Wales (1935). 1s. (1s. 3d.).
- No. 44. Milk. Report of the Re-organization Commission for Great Britain (1938). 1s. (1s. 3d.).
- No. 47. Hops. Report of the Second Re-organization Commission for England (1947). 1s. (1s. 2d.).
- No. 48. Report of the Committee appointed to review the working of the Agricultural Marketing Acts (1947). 2s. (2s. 2d.).
- No. 49. The Co-operative Marketing of Horticultural Produce in England and Wales (1948). 1s. 3d. (1s. 5d.).
- No. 50. Factors in the Marketing of Home Produced Apples in England and Wales (1949). 1s. 3d. (1s. 5d.).

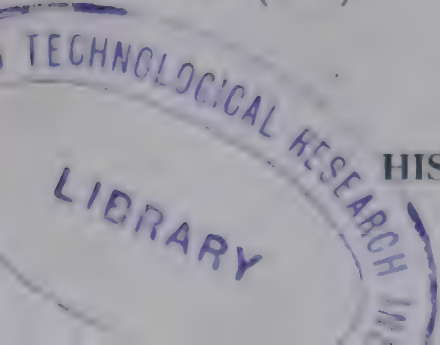
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